the weekly
Standard
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PERMANENT DEFENSE
DAVID BROOKS

Sex Talk

Andrew Ferguson on the Surgeon General's "Call to Action"

David Satcher

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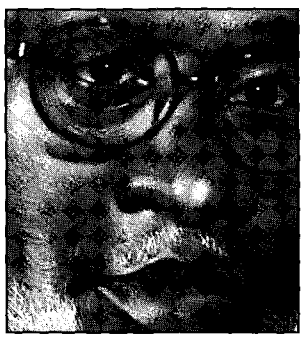

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the weekly Standard

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Send Out the Clones

Dueling human cloning bills are expected to come to the floor of the House for a vote on Tuesday, July 31. The Weldon-Stupak Human Cloning Prohibition Act (the "good bill," for short) would ban all human cloning. The Greenwood Cloning Prohibition Act of 2001 (the "bad bill") actually paves the way for the assembly-line production of human embryos for bio-industrial use. It prohibits only the growing of clones into children.

As our contributing editor Charles Krauthammer argues persuasively in his July 27 syndicated column, Greenwood's bill

> is a nightmare and an abomination. First of all, once the industry of cloning human embryos has begun and thousands are being created, grown, bought and sold, who is going to prevent them from being implanted in a woman and developed into a cloned child?
>
> Even more perversely, when that inevitably occurs, what is the federal government going to do: Force that woman to abort the clone?
>
> Greenwood sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history: the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.

Krauthammer, a qualified supporter of controversial embryonic stem cell research, then connects the political dots on these two issues:

> When Sen. Bill Frist made that brilliant presentation on the floor of the Senate supporting stem cell research, he included among his conditions a total ban on creating human embryos just to be stem cell farms.
>
> Why, then, are so many stem cell supporters in Congress lining up behind a supposedly "anti-cloning bill" [the Greenwood bill] that would, in fact, legalize the creation of cloned human embryos solely for purposes of research and destruction? . . .
>
> If Weldon is stopped, the game is up. If Congress cannot pass the Weldon ban on cloning, then stem cell research itself must not be supported either—because then all the vaunted promises about not permitting the creation of human embryos solely for their exploitation and destruction will have been shown in advance to be a fraud.

THE SCRAPBOOK, which was always skeptical about the Frist compromise on embryonic stem cells, thinks Krauthammer has just uncovered its fault-line. We look forward to the Fristian offensive against cloning. ♦

Stem Cell Dishonesty

Our bioethics correspondent Wesley J. Smith notes that the media pack has taken sides in the debate over federal funding of embryonic stem cell research. They're in favor. Stories with the potential to promote federal funding of such research receive brass band coverage. Research advances involving stem cells obtained by ethically unobjectionable means are buried, if reported at all.

One recent example: Stem cells taken from umbilical cord blood (a practice to which no one objects) have improved the health of a 13-year-old Arizona boy dying from leukemia, who received the experimental treatment when no matching bone marrow donor could be found. Carlos Valencia on July 24 passed his 100th day of survival, a "milestone" according to his doctors. Yet, other than a few short wire stories, the media has been generally uninterested.

Contrast the subdued reporting about this *human* research breakthrough with the hype last week when researchers claimed that fetal stem cells had partially restored the power of movement in disabled mice. This was widely portrayed as a development likely to increase the chances of federal funding for stem cell research.

There is actually scant connection between the mouse experiment and embryonic stem cell research, though. The tissues involved were extracted from tissues of a fetus who died at five to eight weeks gestation. The death of the fetus was not planned for research purposes. Indeed, research of this kind is *already eligible* for federal funding. And the scientist in charge acknowledged as much. No, this press release was about lobbying. Researchers admitted releasing videotapes of the mobile mice before their study was even published in a peer reviewed journal in the hope of pressuring the White House. As one scientist told the *New York Times*, "given the political climate it was important for the people in power to have visual proof that embryonic stem cells have promise."

Meantime, Rep. David Weldon—the same fellow who sponsored the good cloning bill—has offered to debate Bill Frist, Orrin Hatch, or any of the 59 senators who support embryonic stem cell research. According to the Family Research Council, which has been trying to facilitate such an encounter, there have been no takers yet. ♦

The Clinton Legacy, cont.

William Perry Pendley, president of the Mountain States Legal Foundation and attorney for Randy Pech in the Supreme Court's forthcoming *Adarand* case (see our editorial "Adarand, Again," in the July 30 issue), calls THE

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SCRAPBOOK's attention to yet another Clinton-era race-preferences legacy now haunting the Bush administration.

It seems there's something called the International Convention on the Elimination of All Forms of Racial Discrimination that the United States joined in 1994. It seems the United Nations requires periodic compliance reports from countries adhering to the Convention. It seems the Clinton administration went six years—and missed three deadlines—before filing its first such report, in September 2000. And it seems this report has a certain . . . aroma. Proof that racism is alive and well in America, the Clinton report advises the U.N., is the fact that "too many persons do not believe that racial discrimination is a common or active form of mistreatment and are therefore less supportive of race-conscious remedial actions."

Got that? Because an overwhelming majority of Americans oppose affirmative action, this country is racist.

The International Convention that prompted President Clinton to file this ridiculous document with the United Nations appears—by its plain text—to forbid affirmative action. Sayeth Article I: "In this Convention, the term 'racial discrimination' shall mean any distinction, restriction, or preference based on race, colour, descent, or national or ethnic origin."

The U.N. Committee on the Elimination of Racial Discrimination is actually scheduled to review American compliance with the Convention this week. The Bush administration should not participate in this farce. The administration has already admirably threatened to boycott the U.N. Committee's upcoming World Racism conference because it looks likely to be a hate-Israel festival. So as long as the State Department's in an anti-defamation mood, it should see to it that its own Clinton-era documents defaming this country are retracted. ♦

Filibuster Confidential

SCRAPBOOK reader Hugh Newton sends a postscript to last week's item on the revival of the filibuster. We had reported on the plight of a filibustering St. Louis alderman whose aides "held a tablecloth, sheet and quilt around her while she appeared to use a wastebasket to urinate." We further reported that Strom Thurmond had avoided such difficulty during a 24-hour filibuster in 1957 by taking a steam bath to dehydrate himself ahead of time.

Newton, the legendary Washington P.R. man, suggests another explanation. In the mid-'60s, when he was active in the National Right to Work Committee, Newton says he helped Thurmond and Everett Dirksen avoid answering nature's call during filibusters by giving them "something called a motorman's friend—I believe that's what it was called—used by trolley operators for many years in the early 20th century." Could this have been Strom's secret back in 1957? We may never know (not that we necessarily want to). And could the alderman have benefited? If not, does this mean filibusters are gender-biased? Stay tuned. ♦

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Casual

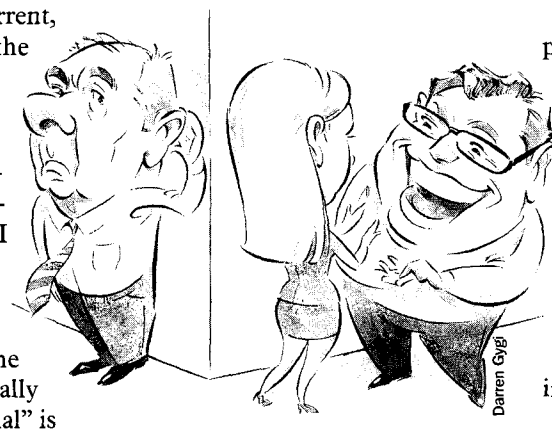
The Language Snob, Reinvented

Your basic language snob—that, friend, would be me—is never out of work. Just as he gets his wind back after railing about one or another overworked or idiotically used word, fresh misusages appear to cause him to get his knickers in a fine new twist. Everyday evidence of the inefficacy of my fulminations against the words *focus* (Weekly Standard, Oct. 28, 1996) and *icon* (Weekly Standard, Dec. 14, 1998) is available in the public prints, the airwaves, and what is amusingly called civilized discourse. With freshly twisted knickers, then, I persevere, "boats against the current, borne back ceaselessly into the past."

I can bear the basketball announcer Marv Albert's fulsome toupee—fulsome: "abundant to excess; offensive to normal tastes or sensibilities"—but I cannot bear his regularly misusing "differential," as in "The Lakers have wiped out a twelve-point differential in the third quarter," when what he really means is difference. A "differential" is a gear in a motor, a kind of equation, and a few other things, but never a twelve-point lead.

Sometimes your language snob lies in wait, happy to pounce when people lapse into error by turning their pretensions up just a notch. Gerald M. Levin, CEO of AOL Time Warner, recently claimed to be "enthralled" by a new business idea, when he really meant that he was "thrilled." *Decimate* in place of "devastate" or "destroy" is a golden oldie in this line, misused by too many people to name. The former means reduce by a tenth, and once meant "kill one in every ten," a thing Romans were wont to do when capturing a town that put up resistance. Bryan A. Garner, in *A Dictionary of Modern American Usage*, calls decimate a "skunked term," or word now too heavily freighted with ambiguity to be used at all; even when used correctly, that is, it is likely to be taken wrongly.

Pure goofyisms are always pleasing to the language snob. A reporter in the *New York Times*'s "Vows," always good for a Sunday morning laugh, reports that, when a young woman first went out with the man she would eventually marry, her "cell phone was ringing off the hook." I'd like to meet the man who sold her that cell phone with a hook. Did he, do you suppose, sell her a wall to go with it?



Sometimes my language snobbery kicks in through pure personal pique. I don't cotton to being referred to as "guys" by youthful waiters, especially when no one at our table is under sixty and one woman is in her nineties. Used in this way, "guys," I suspect, has very unhealthy roots in political correctness. Rather than say, "Would you gentlemen [or ladies] care for dessert?" the waiter or waitress cowers behind the pseudo-friendly "guys."

The best language snobbery—which isn't snobbery at all—concerns those items that go to a concern about the deprivation of the language by lazy linguistic constructions. Take the no longer so new use of *fun* as an adjective, as in "fun time," "fun guy," "fun couple," "fun decade," "fun serial killer." Frank Rich, reviewing a recent biography of the choreographer Jerome Robbins, refers to the "smattering of fun gossip" in the book. *Fun* isn't anywhere near a good enough adjective for gossip, which can be witty, subtle, crude, amusing, or vicious. *Fun* is, in fact, almost never good enough in any of its new usages; its use is a sign of a refusal to search out a more distinguishing, and thereby more vivid, word.

The use of *sharing* is slipping out of control. I first encountered "sharing" at the National Endowment for the Arts, where people seemed always to want to share their experiences. Merely to hear them use the word made me wish I were instead at a small table in Vegas, being attacked by Don Rickles. I don't like to be thanked for sharing, either, as I recently was for giving someone my phone number.

"Reinventing oneself" is another phrase that can use serious overhaul, with a view to being put on the list of ought-to-be endangered terms. People seem to be reinventing themselves everywhere one looks these days. Movie stars, athletes, politicians—everybody's doing it. A personal reinvention is, I gather, something akin to a makeover of the soul, usually implying a return in a new guise, always of course in improved form. Good luck.

Another word in need of the firing squad is the suffix *something*, which had its beginning, I believe, on the television show *thirtysomething*. Soon after we were hearing about twenty-somethings and forty-somethings, though not yet ninety- and hundred-somethings. The sports page of the *New York Times* recently referred to Shaquille O'Neal as weighing "330-something pounds." The something-suffix is on its way to serving as the equivalent for numbers of the flying *whatever*, so that we shall soon have someone described as "seven-foot-something," distances between towns as 200-something miles, marriages lasting "two-decades-something." What—so to speak—ever!

Joseph Epstein

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Labour for the People

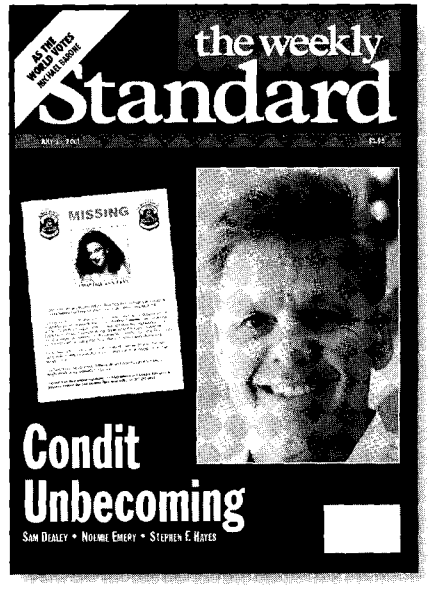
Michael Barone's interpretation of the British election ("As the World Votes," July 23) is a case of the wish being father to the analysis. As a Blair campaign adviser, I can testify that the one thing it did not do was to tell us, as Barone concludes, that "we are still living in the world of Margaret Thatcher and Ronald Reagan."

Barone conveniently cites, but does not quote, and then overstates, the subordinate clause of the Blair formulation—"that some of what Margaret Thatcher did in the 1980s was necessary." He ignores the fact that Blair's central argument in the campaign was that "the era of Thatcherism is over, that no party should ever again attempt to lead this country by proposing cuts in Britain's schools, hospitals, and public services." Tony Blair called for an explicit repudiation of Thatcher's claim that "there is no such thing as society." This central Labour message was reinforced by the most arresting advertisement of the campaign, a poster showing Conservative leader William Hague wearing a Thatcher wig and earrings. Press opinion concluded that every time Thatcher ventured out to campaign for the Conservatives, she hurt them.

On Election Day, Labour claimed persuasively to be the party of economic competence, not just on the basis of its record, but because of its explicit rejection of the Bush-Hague call for major tax cuts. The last week of the campaign, the choice became clear: Tory tax cuts or Labour's resolve to "put schools and hospitals first," an appeal for public investment and an activist, reforming state. Contrary to Barone's assertion, the Conservatives' explicit proposals for cutting the size of the state were hooted off the stage and proved to be politically fatal.

But Barone's most blatant distortion is when he says, correctly, that Labour "would supplement the National Health Service with private medical services," but inaccurately implies that this represents an abandonment of the commitment to free health care for all. Under Labour's plan, the government would employ and pay for some private personnel and managers, but patients would still pay nothing.

Labour not only won a second full term for the first time in its history, but a margin in Parliament of unprecedented size for any second term government in modern British history. Barone mentions that few seats in the House of Commons changed hands; Labour had 419 of the 659 seats in the Commons before the election and holds 413 seats now, while the Tories went from 165 to 166 seats. A gain of one seat hardly makes for a Thatcherite revolution, or even a muted reaffirmation. Barone also points out without assigning any meaning to it that voter turnout fell. The turnout decline was in part due to the widespread public belief that the election result was a foregone conclusion; turnout fell especially



in safe Labour seats. In the final days, the Tories were pathetically reduced to pleading for people to cast a protest vote, or hinting that they shouldn't vote at all.

The outcome of the June election in Britain was not a victory for any form of Thatcherism, but a repudiation of its disdain for social justice and public investment. The same debate is now underway in the United States. Shorn of his pre-election cloth of "compassionate conservatism," George W. Bush is losing the argument on issues ranging from the patients' bill of rights to the budget, the environment, and campaign finance reform. Maybe it will take a second one-term Bush presidency to prove that the era of Reaganism is over in the United States just as surely as the era of Thatcherism is over in Britain.

Robert Shrum
Senior Adviser to Gore 2000 and to the 2001 Labour Party Campaign
Washington, DC

Conduct Unbecoming?

Noemie Emery ("Where Were the Adults?" July 23) judges Monica Lewinsky's behavior as foolish and complains that Lewinsky's confidants did not judge her the same way. Is it not possible that Emery has judged incorrectly? It's arguable that Lewinsky has attained greater material success as a result of her scandalous presidential affair than she ever would have achieved otherwise. Evidence shows that she went to D.C. with the goal of seducing the president, succeeded, and earned considerable fame and fortune for her efforts. She hardly seems regretful. A Lewinsky handbag would be worth nothing if not for the scandal. And she has recently recovered "The Dress," whose auction value has been estimated at six to seven figures.

To Emery, the behavior of Lewinsky seems naive. History shows, however, that some young women seek out older, powerful men and use all their assets, including beauty and shamelessness, to try to get ahead in life. Though writers for The Weekly Standard—and even some feminists—find this repugnant, aren't these women merely exercising their rights in the free market?

Kerry Tatlow
Rockford, IL

Once again Noemie Emery slams home a profound truth: Mothers (and aunts) are responsible for the barely-grown young women in their families. A child is still a child as long as she makes stupid mistakes. Monica Lewinsky and Chandra Levy made poor decisions to have sex with older, powerful, married men. The job of mother and aunt is to say loudly and unapologetically, "This is a stupid decision!" These young women were betrayed by their mothers, aunts, and government leaders, but most of all by their mothers.

Judy Beumler
Louisville, KY

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Correspondence

The Great Bully

Kudos to the Weekly Standard for printing Joseph Epstein's insightful and amusing profile of the late Mortimer Adler ("The Great Bookie," July 23). Epstein correctly focuses on the rude, pseudo-intellectual bullying with which Adler tried to mask his often encyclopedic ignorance of the world. I recall a sterling specimen of his brutish ideological approach, which he exhibited during a lecture called "The Difference In Man—And The Difference It Makes" at St. John's College in 1968. During the actual lecture Adler transformed himself from a reasoned philosopher into a shrieking mountebank, ending up 50 feet downstage from the lectern, shouting at the top of his considerable lungs. During the question period afterwards, he responded to thoughtful queries with statements such as, "That is probably the stupidest question I have ever heard" and "Please don't waste my time with such twaddle—I have a plane to catch in an hour!" A sad case of great gifts squandered, and Epstein is to be congratulated for recalling Adler with rigor and vigor.

John Stark Bellamy II
Cleveland, OH

The Weekly Standard chose to devote many pages to Mortimer Adler, but Joseph Epstein focused on his personality quirks and foibles. He paid almost no attention to, except to ridicule, any of Adler's ideas. Adler's lifelong efforts to improve American education at all levels and through reading and discussion programs in libraries, deserve a more serious hearing.

Adler once told me that he made a conscious decision to write for the public, not for academic philosophers. It is in this context that his own books and his work on the *Great Books of the Western World* and *Encyclopaedia Britannica* have to be understood.

Thomas J. Slakey
Former dean, St. John's College, Annapolis
Sacramento, CA

The Majority Rules

I found it interesting that Leon Aron credits the rise of the poor democracies ("Poor Democracies," July 16) to the universal appeal of freedom and self-government. There is no reason to believe that this is the case. The will of the majority as expressed in a democracy can be just as tyrannical as the will of a petty dictator.

The freedom of speech, freedom of assembly, etc., which Aron cites as attributes of democracy are in fact attributes of a republic. Free speech in a democracy is only free to the extent that the majority allows it. Herein was the genius of the American republic: Our Founders wisely coupled the democratic election of representatives with a set of principles they credited to God. We find these principles in the Declaration of Independence and their expression in our Constitution and the Bill of Rights, not in the temporary will of the majority. Nations that pursue democracy for democracy's sake do so at their peril.

Tom Washburne
Lovettsville, VA

Stem Not the Research

I take issue with several of Fred Barnes's points on stem cell research ("Bush's Stem Cell Indecision," July 16). First, the great majority of scientists, not politicians or liberal groups, conclude that, at this point, embryonic stem cells show the most promise for curing various tragic diseases which afflict a great number of people. There is significantly less proof that adult stem cells offer the same amount of hope.

Second, despite Barnes's assertion that embryonic stem cells can be implanted or "adopted," the fact remains that the process of *in vitro* fertilization results in a supply of embryos which exceeds the demand of those willing to adopt such embryos. Thus, unless the process of *in vitro* fertilization is stopped, embryos will be discarded.

It is interesting that those who oppose stem cell research are not publicly advocating that *in vitro* fertilization be stopped. Why do pro-life groups claim that scientific use of these excess embryos is immoral when the process of *in vitro* fertilization results in embryos being thrown away?

Putting aside philosophical questions as to when life begins and what constitutes life, on a purely utilitarian level, excess embryos that will be discarded should be used to promote life for other living human beings.

Finally, the tone of Barnes's article dismisses the real life stories behind this issue. This fight is not about abortion rights. It is about people like my wife. She is 33 years old and has suffered from juvenile diabetes since the age of three. As a result, she faces the very real threat of blindness in the next 10 years. Doctors tell her she should not have a child naturally. She also faces possible heart disease and limb amputation.

Stem cell research offers hope for a cure and hope that she can have a normal life. Bush's decision is not about politics or process or showing that he does not compromise. It is about real people who suffer from tragic diseases.

John J. Simonetti
Evanston, IL

Summer Teeth

David Brooks's off-the-wall take on growing old ("Casual," July 16) had me laughing so hard that all I could do was make funny sounds and keep pointing to the page, causing my wife to think I was having a stroke.

Although I'm on the cusp of 70, I still have all my hair, most—well, some—of my teeth, and I do wear glasses. Brooks's goofy spoofin' really resonated with me.

I did learn one thing, though: Never read anything by Brooks while drinking hot coffee. It sure smarts when you laugh and coffee comes out your nose!

Edward G. Koran
Phoenix, AZ

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the weekly Standard

Imprisonment and Other "Irritations"

"I think the relationship is on the upswing now, now that these irritations are behind us, and I know they are anxious to move forward." That keen geopolitical insight, uttered by Secretary of State Colin Powell on the eve of his visit to Beijing, nicely captures the Bush administration's policy of appeasement toward the Chinese dictatorship. If you think this new team is a bunch of tough guys when it comes to China, think again. It seems the president and his secretary of state, like their predecessors, are willing to eat almost unlimited quantities of—well, for decorum's sake, let's call it mud—if that's what it takes to make Beijing happy.

What prompted Powell's optimistic assessment of the state of Sino-American relations, of course, was China's deportation last week of an American citizen, Li Shaomin, and its release of two permanent residents of the United States, Gao Zhan and Qin Guangguang. These are all academics whom Beijing had earlier arrested on trumped-up charges of "spying." Mr. Li spent a few months in jail, was "convicted," and then deported. When Ms. Gao was seized almost six months ago, Chinese authorities also locked up her husband and subjected their 5-year-old son—an American citizen—to a unique form of child torture, isolating him from his parents without explanation for 26 days. What an irritation *that* was! The Chinese released him and his father, and now, months later, they have let Ms. Gao go. Why? Because she, like Mr. Li and Mr. Qin, was so obviously innocent of the ludicrous charges against her? No. The Chinese first convicted her and sentenced her to 10 years in prison in court proceedings so hasty they would make a kangaroo blush. (They're still working on that "rule of law" thing, you know.) Then they presented her, Mr. Li, and Mr. Qin as a gift to Secretary Powell, a human gift, as a token of their goodwill. And Powell accepted the gift in that spirit: "I think the relationship is on the upswing now, now that these irritations are behind us."

Really? That's it? Set aside for a moment that another American citizen, Wu Jianmin, remains locked in a Chinese prison cell after being seized on April 8, or that another American resident, Liu Yaping, has been in prison since March 8. And never mind the democracy activists, Falun Gong members, Tibetan Buddhists, and Christians still being held, tortured, and sometimes murdered. Those "irritations" are most assuredly not "behind us," though perhaps the Chinese are eventually going to tie ribbons around their bruised bodies, too, so that President Bush will have a nice party favor waiting for him when he travels to Beijing this October.

But even if there were no American citizens and residents still rotting in Chinese jails, not to mention the Chinese victims of the Beijing dictatorship, can it be that the Bush administration's only response to the arrest, jailing, phony conviction, and then deportation of American citizens and American residents is: Thank you for clearing up that mess? Is there no cost to the Chinese for such behavior?

The Bush administration's answer is no, not for these or any other appalling acts by the Chinese government. When the Chinese knocked an American surveillance plane out of the sky last April, then held the crew hostage for more than a week, the Chinese demanded an apology, and the Bush administration provided one. When the Chinese refused to let the plane fly home, and insisted that it be carved into pieces for transport, the Bush administration agreed. When the Chinese then presented a bill for "housing" the American crew, the administration indicated it was willing to pay up.

When the Chinese helped Iraq build a sophisticated air defense system, the better to shoot down American pilots, President Bush asked them to please explain themselves. The Chinese government told him to stuff it, and he backed down. When Beijing told his administration not to sell Taiwan the Aegis battle management system or other advanced weaponry, his administration did as it was told.

The Bush administration, you see, has been desperate for good relations with the Chinese, more or less regard-

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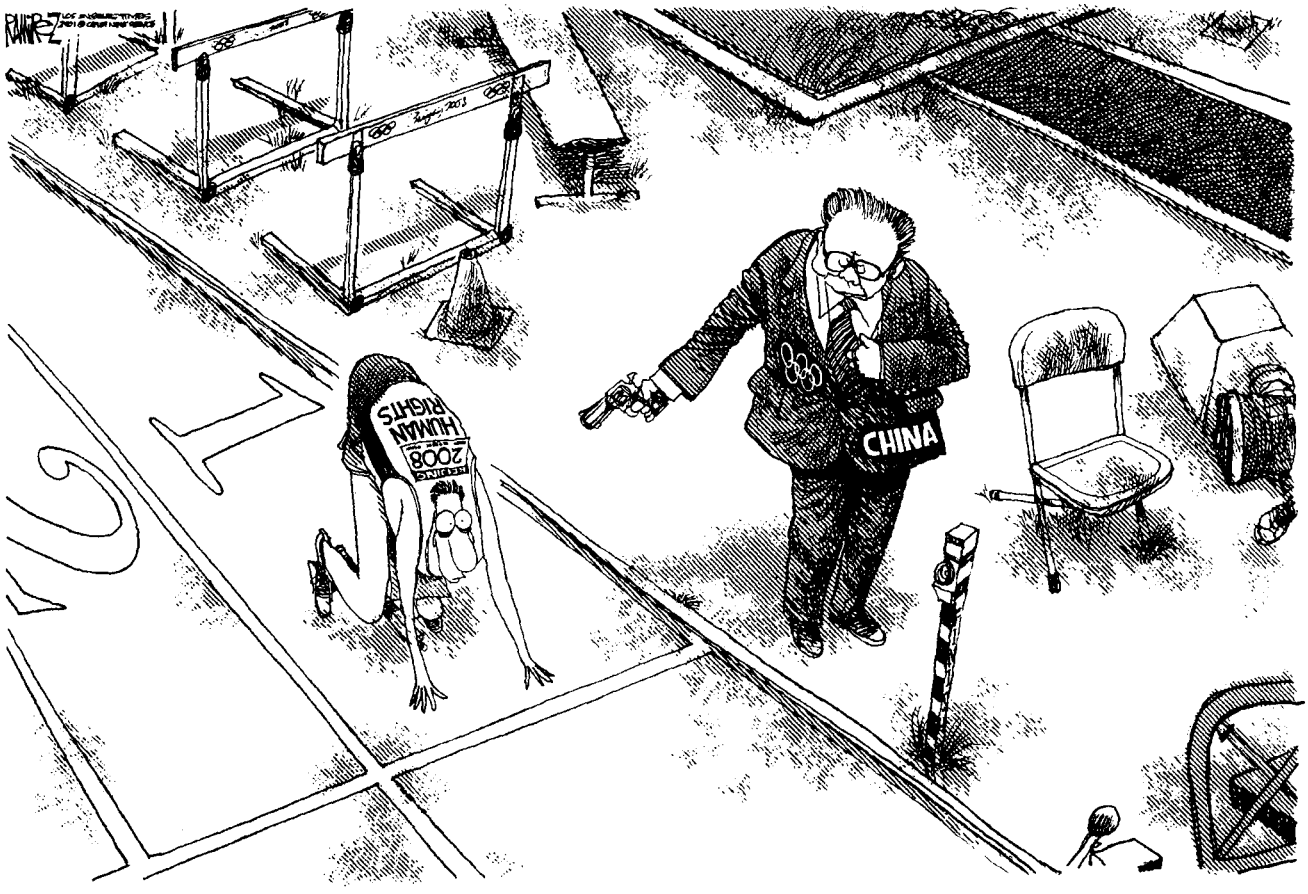
less of Chinese behavior. When it comes to courting the Chinese, love means always having to say you're sorry. So while Beijing continued to poke fingers into American eyes—locking up Americans, carrying out threatening military exercises in the Taiwan Strait, denouncing the administration in every conceivable international forum—the Bush administration lavished the Chinese with multi-billion dollar gifts. It announced its willingness to see Beijing get the 2008 Olympics, and Beijing got the Olympics. It urged Congress to pass permanent most-favored-nation status for China, and Congress duly complied—even though Beijing still has resisted agreement on its entry into the World Trade Organization. Bush even allowed the Chinese to proceed with a multi-billion dollar contract to build a fiber-optic cable system in Iraq, employing the same Chinese technicians who helped Saddam with his air defenses.

And what did the Chinese have to do to repair relations all this time, to play their part in what American journalists euphemistically call this great power "minuet"? Nothing. In return for this avalanche of American blandishments, they indicated that improving relations was okay by them—if it meant unilateral American concessions. Then they offered up a few unjustly imprisoned Americans. That was all it took to convince the desperately eager Powell that the Chinese "are anxious to move forward."

So the answer to the question—will the Chinese ever pay a price?—is no. When they release American planes they knock down, when they deport the American citizens they lock up, they will be rewarded with American gratitude: Thanks for pulling that knife out of my side. This week the Chinese get extra brownie points at the State Department for not spoiling Powell's visit. Before Powell left for Beijing, Deputy Secretary of State Richard Armitage gushed like a proud mommy that the Chinese were "going to be on their absolute best behavior" during Powell's trip. "I guarantee it." Well, yes, for a couple of days every few months the Chinese government can tidy things up, hide the prisoners and the torture victims, suspend the military exercises aimed at Taiwan, hold off on the next sale of missile technology to Pakistan and Iraq, and pass out their human gifts. And the Bush administration (and its corporate backers), the foreign policy establishment (and its corporate sponsors), the Democrats and Republicans (and their corporate donors), and the American press will declare the visit a success, a sign of progress. Everybody happy. Irritations behind us. Business (literally) as usual.

—Robert Kagan and William Kristol



Michael Ramirez

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Patients' Bill of Goods

Who's really clamoring to sue HMOs?

BY FRED BARNES

THE CRUSADE for a patients' bill of rights has one big problem: patients. They are indifferent to the issue, supposedly raised in their behalf, and oblivious to the debate in Congress over it. The media, instead of acknowledging this, insist a patients' bill of rights is an urgent priority for practically everyone. The *Washington Post* reported matter-of-factly that "opinion polls suggest [the issue] is of paramount concern to voters." In fact, polls show the opposite. The *New York Times* said "the idea of allowing patients to sue insurance companies is extremely popular." Hardly.

A patients' bill of rights is virtual legislation. It barely exists in the real world of people's everyday lives, unlike such issues as a tax cut, a prescription drug benefit, or even embryonic stem cell research. It exists chiefly inside Washington and in the minds of elected officials, lobbyists, political parties, and campaign consultants. Also, the need for a patients' bill of rights has come and gone. Its stated purpose is to protect patients from HMO abuses, but the managed care industry has largely cleaned up its act. And the backlash against HMO practices peaked four years ago when audiences cheered the obscenity-filled attack on managed care providers delivered by Helen Hunt in the movie *As Good As It Gets*.

Yet the drive to enact patients' protection rolls on. Majority leader Tom Daschle made it the first order of business when Democrats took over the Senate in May. The Democrats' (and John McCain's) liberal version of a patients' bill of rights was approved overwhelmingly in June. In the House, activity on the issue has been feverish. Democratic leader Dick Gephardt put together a collection of TV ads from the 2000 election in which Republicans promised to support a bill of rights. He wants to hold them to their word. When President Bush got back from his trip to Europe, he began a personal lobbying effort. He summoned dozens of House members to the White House, traveled to speaker Denny Hastert's office in the Capitol to lobby Republican members from New Jersey, and hit the phones to cajole others.

Why the frenzy on an issue that leaves voters cold? Two reasons. One is that important interest groups are involved. The American Medical Association is working hard for the liberal bill, which would allow lawsuits against HMOs in state courts, where judgments are usually higher. The AMA's goal is simple: to make life miserable for managed care, which doctors believe is robbing them of autonomy (and higher fees). To no one's surprise, trial lawyers are also pushing for a patients' bill of rights, the liberal version. On the other side, there's the HMO industry, which wants to save itself from costly lawsuits. Bush and most Republicans favor a moderate bill that managed care folks are willing to swallow.

The other reason is that Democrats and Republicans believe the issue is politically potent. Democrats think they can use it effectively in 2002 against GOP members of Congress who oppose a patients' bill of rights. Republicans fear this tactic may indeed work. Heaven knows why either party feels this way. The issue has been around for a half dozen years and Republicans haven't suffered for failing to enact a bill. Nor have Democrats gained. Bush adviser Karl Rove, for one, doesn't buy the idea that voters care enormously about the issue. "That's why the president can veto a bad bill," he said.

If he did veto the liberal bill, the best polling evidence suggests, there would be no explosion of public anger. It's not that no one cares at all. In some surveys, 70-plus percent of voters say, sure, they'd like a patients' bill of rights. It's that no one cares very much, and intensity matters. In June, an NBC/*Wall Street Journal* poll gave people a list of issues and asked for a ranking by importance. Education reform came in first with 26 percent, followed by energy exploration and conservation with 19 percent. Enacting a patients' bill of rights came in fifth with 7 percent. Gallup asked who was handling the issue better, Bush or the Democrats. Bush won, 51 percent to 28 percent, despite Democratic accusations (probably accurate) that he'd be happy with no patients' bill of rights. Indeed, the president's complaint about excessive lawsuits has touched a popular chord. In a Gallup poll in July, 51 percent said they most fear that lawsuits prompted by a patients' bill would drive up insurance costs. Only 36 percent said their main worry is the inability to sue HMOs.

Members of Congress know firsthand of the public's indifference. Fred Upton, the moderate Republican congressman from Michigan, asks voters to pick the issues (from a list of 25) that they want discussed at town hall meetings. "I've held meetings in every county this year," he says. "Not in one of them was a patients' bill of rights in the top five or six." Nor has he been asked about it on radio talk shows. "No one asks me at the grocery store, at church. This is not on anyone's radar screen back home." Other members of Congress say their experiences are roughly similar to Upton's.

Nevertheless, a patients' bill of

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rights in some form is likely to pass this year. Hastert is so weary of the issue he'd like it gone from the calendar before Congress recesses in August. The HMO lobby is no longer fighting any of the rights that would be bestowed on patients. Most HMOs already recognize most of them. Their concern is lawsuits. Democrats are sure the time has come to enact their bill. And the media are primed to declare Democrats the winners and Bush the loser, which would fit their current assessment of the balance of power in Washington. The president, for all his talk of a veto, would just as soon have the issue go away. Whatever happens, patients will have had little to do with it. ♦

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the weekly Standard

Tory! Tory! Tory!

British conservatives blow themselves up.

BY CHRISTOPHER CALDWELL

London

ON SEPTEMBER 12, Britain's Conservative party will tally 330,000 mail-in votes for party leader. At that point it will bestow upon either (a) the centrist former chancellor of the exchequer Kenneth Clarke or (b) the hard-line Thatcherite shadow defense minister Iain Duncan Smith what increasingly looks like the trickiest job in Western politics.

A little more than a decade after they ousted Margaret Thatcher as their party leader and prime minister, Britain's Tories really ought to be riding high. The syllogism is simple: The big issue in British politics for the foreseeable future is whether Britain should enter the European Monetary Union, abandoning the pound sterling for the Euro. The British people, in the main, hate this idea, and the Tories are the party that agrees with them. Ergo, Conservatives should win.

But they don't. When Tory leader William Hague chose to contest the June 7 parliamentary elections on a "Save the Pound" theme, he thought he was hitting Labour prime minister Tony Blair at his weak point. Blair is petrified of the Euro referendum he has promised, and can't even get his own chancellor of the exchequer to see eye to eye with him on the need to scrap the pound. What's more, Blair was running at the nadir of his premiership, reeling from the disaster of hoof-and-mouth disease, and facing persistent public complaints about both a deteriorating national health service and a partially privatized rail system that is going from inconvenient to dangerous.

Christopher Caldwell is senior writer at THE WEEKLY STANDARD.

Yet Hague and the Tories got clobbered for the second consecutive election. They picked up one seat at Westminster, true, but that still left them with only 166 of 659 parliamentary seats. In broad sections of the country, they are the third party, behind the once-centrist Liberal Democrats, who are now running quite consistently to the left of Labour. In huge swaths of Britain, the Conservative party is extinct. It holds one seat in Scotland, none in Wales. In neither 1997 nor 2001 did a Tory win a single seat in any city or large town outside of London. On the day after this spring's elections, Hague, of course, resigned.

So the Tories are now halfway through an exercise they hope will rescue them from the cruelest kind of political illogic. Their position is roughly the equivalent of what Republicans went through in the Gingrich years—a message that was a magic bullet half a decade before turning into an albatross—except that the albatross phase is going on forever. They're using what is, in effect, the first primary election in party history to choose a leader and turn the party around.

The process is novel: First the party's parliamentary caucus picks two candidates, then party members nationwide choose between them. The result of a rules change in 1997, this innovation is the biggest part of William Hague's legacy, and, like much of the rest of that legacy, it turns out to have been a catastrophic mistake. Hague's rationale was that the Tories' scanty 165-seat delegation was evidence the country didn't think the Tories were listening. But his solution, as any observer of the U.S. primary system could have warned, was a recipe for radicalism.

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Put simply, it takes a party whose biggest problem is that it cannot attract voters outside of its shrinking base, and puts the choice of its leader in the hands of the 300,000 people in England who can be guaranteed to vote for it no matter what. After two other candidates were discarded, Tory members of Parliament had Clarke, Duncan Smith, and Michael Portillo as potential political merchandise to offer the public, and held a vote to pick two of them.

Kenneth Clarke

Iain Duncan Smith

Portillo, the shadow chancellor of the exchequer, added this spring's campaign to a spectacular lifelong string of bad luck and misjudgment. The odds-on favorite, Portillo had been the Tories' ablest and most imaginative Thatcherite since the 1980s. He had been the last major figure to stand with Thatcher herself during the successful party revolt against her in 1990. But he would never get credit for loyalty—the cardinal Tory virtue—because five years later he was found out to have secretly bid for the party leadership when Thatcher's successor John Major was still out campaigning. (Nor would he get any loyalty back from Thatcher this time around: For him, the great catastrophe of this spring's race came when the conservative *Sunday Telegraph* ran a report that Portillo would get Thatcher's endorsement and she quickly and indignantly denied it.)

The one moment when the party leadership would have been Portillo's for the taking was after Major's defeat in 1997. That year, however, he narrowly lost his seat. In his time out of politics, he changed. He admitted having experimented with homosexuality as a young man, and after that the tabloids wouldn't leave him alone. He was hounded about reform of the marijuana laws (which he supports) and about gay rights and gay marriage (which he supports, too). Three days after declaring his candidacy in June, he was asked on a morning show whether he'd had gay sex since his marriage in 1982. The *Daily Mail* made much of his love of opera.

And Portillo changed in the process. While he hewed to the party's small-government and anti-Europe lines, he began to lash out at Tory "extremes," and to say the party must "adapt or die." He even floated the idea of party-imposed quotas to get more women and minorities on candidate lists. So Portillo got the worst of both worlds. He was seen as a fire-breathing right-winger in the country at large, and as a flighty poof among the party's core of hard-liners. The *Guardian* columnist Hugo Young noticed that the historically brash Portillo was beginning to look like "a troubled man, who seems to be using the party to discover his identity." When the parliamentary vote came through, Portillo was the shocking loser, with just 53 votes to Clarke's 59 and Duncan Smith's 54. Portillo announced his retirement from front-bench politics.

That may be a big problem, because in Duncan Smith and Clarke, the Tories have chosen candidates from the far right and left of their party, and set the stage for a battle so ideological that the influential conservative columnist Peter Oborne warned (no—promised) after Portillo's defeat that this summer the Tory party will break apart.

The Scot Duncan Smith can be thought of as the Goldwater of the race. His preeminent goal is to keep the lines between Tory ideology and Labour ideology sharply drawn. Son of a World War II flying ace, he served in Ireland (and Rhodesia) himself. He'd bring back hanging. He has never had a cabinet-level position—he refused one in order to attack the Major government on the Maastricht treaties, which brought closer integration among the European Union countries. He doesn't just say "no" to the Euro; he says "never." And his anti-Europeanism has a decidedly Atlanticist bent. He has approached Phil Gramm about Britain's joining

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NAFTA. After the Nice accords laid the groundwork for a Europe-only "rapid reaction force," Duncan Smith came to Washington to warn the Bush administration that Blair was lying when he said that such a force would not undermine NATO. (To avoid caricature, it should also be noted that Duncan Smith went to university in Perugia and has been on the dole twice.)

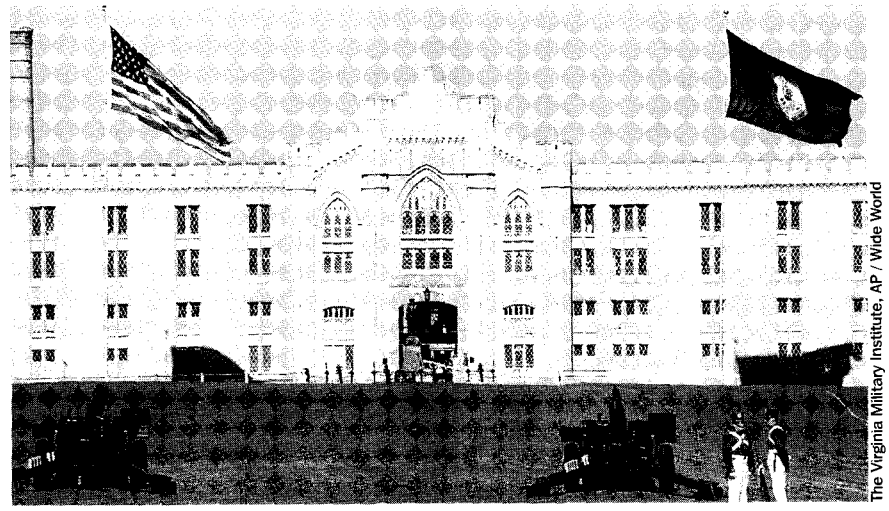
If Duncan Smith is Britain's Goldwater, Clarke is its John McCain. He is all affability: He's pot-bellied, drinks a lot of beer, and smokes a lot of cigars. He even delayed announcing his candidacy until he returned from "flogging fags" to the Vietnamese, in his capacity as deputy chairman of British American Tobacco. He has built a long career as a real conservative—he sold Thatcher's National Health Service reforms as health secretary in the late 1980s, and her teaching reforms as education secretary in the early 1990s. He even challenged Hague in 1997 with the help of arch-conservative John Redwood. And in a way, he remains a conservative—the only deep change he's asked for is the Euro. But that's change enough. Like McCain with campaign-finance reform, Clarke has pursued his obsession to the point of embracing his partisan foes. He even appeared with Tony Blair to promote monetary union. This has left him beloved in the country at large and despised by somewhere around half of his fellow Tories.

So conservatives are faced with a choice between Clarke's Europhilia and Duncan Smith's obduracy. Clarke is now moving rightwards by promising to appoint a Euroskeptic cabinet, and says that Duncan Smith stands no chance of ever winning an election. Duncan Smith is now moving leftwards by promising a host of green initiatives, and says that Clarke stands no chance of holding the party together. Tory voters are beginning to get the sinking feeling that both candidates are right. ♦

Mother Rat

VMI shows the door to pregnant cadets.

BY ERIN SHELEY



The Virginia Military Institute, AP / Wide World

When the first female cadets signed their names in the matriculation roster of the Virginia Military Institute in 1997, proponents of women's rights trumpeted the event as a great victory for equality. Satisfied with this conclusion to the years-long legal battle that forced the venerable all-male military college to admit women to its famed "ratline," the lawyers and the media packed up and left Lexington, Virginia. But the difficulties of co-education are just beginning for the school they've left behind. The day-to-day dilemmas of the co-ed VMI are perhaps nowhere more obvious than in a new code the school plans to implement in the fall: All cadets who mother—or father—a child will be required to leave the school.

Occasioned by the recent case of a VMI junior who elected to remain in the barracks until the seventh month of her pregnancy, the policy answers a question that, for the school's assimilation committees, had been the ultimate hypothetical: What happens if a cadet gets pregnant? The dismissal policy was actually proposed when VMI was first planning for co-education but was scrapped in favor of a voluntary leave of absence for pregnant cadets.

In her book *Breaking Out: VMI and the Coming of Women*, Laura Brodie, who served on one of the assimilation committees, described that decision as evidence of how far the school "could go to acknowledge the practical realities of women's lives without altering the essentials of VMI." But given that VMI features one of the most rigorous physical training regimens in the country and communal living quarters with next to no privacy, it is clear that the school's "essentials" and the "realities" of pregnancy are anything but compatible.

The new VMI policy is unique among military schools. At South Carolina's storied military college The Citadel—which was also litigated into co-education in the 1990s—pregnancy is deemed a "temporary disability," and a cadet may elect to

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remain enrolled, provided she does not miss more than three weeks of school per semester. Likewise, the federal service academies, which went co-ed in the late 1970s, allow for up to one year of leave. However, all these institutions seem to agree on one thing: It is not possible to reconcile pregnancy with the realities of a military education.

The code at The Citadel expresses this well: "Cadet life is stressful, physically demanding, and requires the full-time commitment of all cadets. Consequently, cadets, male or female, are not permitted to be married, nor are they permitted to have custody . . . of a child." In other words, even if a cadet does give birth, she must give up the custody of her child to remain in school.

In moving to expel cadets who become parents, VMI understands itself to be buttressing one of the most important principles it teaches cadets: responsibility. No military school has ever allowed its cadets to raise children while enrolled. To allow a cadet to remain in school after becoming a parent is thus, to a certain extent, to endorse the shirking of a more fundamental responsibility. VMI's new policy keeps the school from tacitly encouraging the evasion of parental responsibility—at the risk, unfortunately, of encouraging abortion—but it also runs into a legal snag.

Title IX of the Education Amendments of 1972 forbids recipients of federal funds from excluding "any student from its education program or activity . . . on the basis of such student's pregnancy. A recipient shall treat pregnancy . . . in the same manner and under the same policies as any other temporary disability." Citadel spokeswoman Charlene Gunnels cites Title IX as the reason the South Carolina school did not consider a policy of dismissal for pregnancies when amending its own code for co-education.

Already the American Civil Liberties Union has sent VMI a letter advising them against the policy. But according to Kent Willis, executive director of the Virginia ACLU, the group will file suit against the school only if the federal courts, which are still monitoring the school, or the Justice Department, which filed the original discrimination case, fail to do so. "I'm sure if a VMI student breaks his leg, he's not required to leave the school," says Willis. "We also believe there's an equal protection argument . . . because in reality such a policy would be implemented in a way that discriminates against women. . . . The school may never know about men who impregnate women."

The language of the code will not be finalized until September, delaying legal threats for the moment. According to Randy Davis, spokesman for the Virginia attorney general's office, which is assisting VMI in drafting the code, before the cadets "return in the fall, our office will work with them to make sure that the policy is constitutional."

Whatever the quality of the legal draftsmanship, it seems unlikely that VMI will avoid yet another skirmish in the courts. The conflict resurrects the old question that surrounded the original VMI debate: What to do when the egalitarian impulse collides with the irreducible differences between the sexes? Quite simply, pregnancy is not the same thing as breaking a leg. Nor, if one considers the long-term import, can bringing a child into the world be considered a "temporary" disability. The legal issue, though, will be whether VMI is obliged to pretend otherwise.

Will the VMI code discriminate against women? Of course it will. No one could argue that a male cadet who impregnates a girl on a weekend off, possibly unaware of it himself, will have as hard a time escaping detection as a woman in her third trimester. But rooting out such "injustices" will carry a high price. If VMI cannot simultaneously preserve both the health of its students and the educational role it was created to fill without violating the law, perhaps it's time to reexamine the definition of equality to which it was forced to conform in the first place. ♦

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War Crimes and Punishment

Here's why Milosevic is in the dock.

BY STEPHEN SCHWARTZ

AP / Wide World Photos

Slobodan Milosevic, appearing before the U.N. war crimes tribunal in The Hague, July 3

I first heard of the massacre of the Berishas, an extended family of Kosovar Albanians, in June 2000, some 14 months after it happened. A colleague and friend, Shpresa Mulliqi, asked me to polish a rough English translation of her long interview with Shyhrete Berisha for publication in a bilingual magazine, *Kombi* (*The Nation*). Mrs. Berisha had survived the events that left at least 22 of her relatives dead, and had escaped from a truck that was carrying the corpses away.

Subsequently, what appeared to be those very corpses played a role in the exposure of the Belgrade regime's crimes when, in April 1999, a transport container loaded with dead Albanians surfaced in the Danube river. A number of the bodies were those of children; at least four of them apparently matched the ages of murdered Berisha children. Serbian opposition journalists tracked the measures taken to conceal this grim evidence not only to the offices of top Serb security bosses (some of them still in power today) but to the office of Slobodan Milosevic himself.

If the prosecutors in The Hague, who have indicted Milosevic for war crimes before the International Criminal Tribunal for the Former Yugoslavia, can prove that Milosevic ordered the disposal of the corpses, that may clinch their case. Already, however, Shyhrete Berisha's account of the killings and their aftermath conveys with horrible immediacy the cost of Milosevic's wars. The summary that follows is based on her testimony.

In December 1999, the Berishas provoked the anger of the Serb authorities by renting a house in Suhareka to representatives of the Organization for Security and Cooperation in Europe. The OSCE had come to Kosovo to verify confidence-building measures intended to assist a peaceful resolution of the fighting between the Serb rulers of the territory and the Kosovo Liberation Army, which claimed to represent the Albanian majority. After only three months, the OSCE pulled out. When NATO began bombing Serbia on March 24, 1999, the Berishas knew they were in danger. The women gathered up their children—four of them under 2 years old—and took them to stay with Shyhrete's brother-in-law, Faton.

On March 25, Serb troops showed up at Faton Berisha's house with an armored vehicle. They shouted demands like, "Give us the money the Americans gave you or we're going to kill all of you!" They robbed the Albanians of all their money, whereupon 25 family members fled to the house of an uncle.

The next morning, a crowd in paramilitary and police uniforms approached this house. The Berishas knew almost all of the Serbs by sight; most were civilians who apparently had donned uniforms only that day. One of them spoke Albanian and demanded that one of the younger men, Bujar Berisha, surrender himself. As soon as Bujar appeared, they shot him dead.

All the Albanians were driven out into the street. The men were separated from the group, and the Serbs methodically executed them on the spot. When Shyhrete Berisha's husband Nexhat was killed, she recalled her daughter Majlinda screaming, "Oh father!"—a scream she believed the whole town must have heard. Some of the women were shot down alongside their men.

The rest of the women told the children to scatter. Shyhrete staggered, dazed, into the center of the town, where she saw a crowd at a restaurant and recognized among them some of her cousins. But police and paramilitaries arrived on the scene and ordered all Berisha family members into the restaurant, where

Stephen Schwartz's Kosovo: Background to a War *is published by Anthem Press, London.*

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the Serbs began firing machine guns into the group.

Shyhrete recalled every detail of this nightmare. Infants were killed before their parents' eyes. "I saw my [son] Redon," she remembered. "I said to myself, in two months, he would have been two years old. He . . . died. They shot him in the head. . . . Ismet [aged 2] died." She herself was shot and injured by grenades.

After agonizing hours, Shyhrete and at least 40 dead and half-dead people were thrown into a truck. Her son Altin remained alive, but when his body was moved the Serbs realized he was breathing and killed him. In the truck, she said, "we were covered by the lifeless bodies of our children." In the tangle, Shyhrete heard a whisper from her uncle's wife, Vjollca, who had feigned death with one of her sons, Gramos. The women disagreed about what they should do. Vjollca said they should wait until they were buried and then try to claw their way out. Shyhrete said no, Gramos would be suffocated; they should jump out of the truck.

Shyhrete stuck her head out the back of the truck to see if they were being followed by police, and the wind blew her out. She struck her head and hung senseless by a foot while the truck dragged her. Then she fell free and lay unconscious on the highway. Some people from a nearby village saw her and, thinking she was dead or that it would be dangerous to approach her, left her there, until two villagers decided they should at least remove the body from the road.

When she was found to be alive, she was given first aid, then treated at a Kosovo Liberation Army field hospital, but Serbs attacked the hospital. She fled to a house in the mountains, but the Serbs began bombing the area. She tried to cross the border to Albania but was turned back by Serbian police, who again separated men and boys from the group and killed them. Finally escaping to Albania, she was found by an American missionary, Rufus Dawkins, who had stayed in her house when it was rented by the OSCE. "Mr. Rufus" took charge of her case, secured treatment for her wounds, and arranged for her return to Kosovo after NATO forces entered the territory.

Later Mrs. Berisha learned that Vjollca and Gramos had jumped from the truck and lived. But she had lost her entire immediate family in the massacre. Her husband Nexhat's body was located and buried; the corpses of her four children may be among those found in the container in the Danube.

While it may be of no interest to The Hague investigators, I recall with amusement that when Shpresa Mulliqi and I prepared Shyhrete Berisha's narrative for publication in Kosovo last year, the document was considered controversial. The international authorities in Kosovo believed such materials to be harmful to relations between Albanians and Serbs, and they disliked the journal *Kombi* for its independence. It is gratifying to see the narratives of the surviving Berishas gain the status of evidence in the Hague proceeding. The Berisha massacre was added to the original indictment on June 29, 2001, the day after Milosevic was arrested.

This incident is only one of several atrocities I helped document in Kosovo, interviewing and photographing survivors in my capacity as a journalist. Another, which occurred the next day, March 26, 1999, figured in the Milosevic indictment from the beginning: A 59-year-old Muslim spiritual leader living in the city of Gjakova, Sheik Zejnelabedin Dervishdana, was killed at his home by Serb gunmen, along with his two sons and three others. The sheik's daughter, Eli Dervishdana, told me her family included "seven generations of Islamic priests, four of spiritual Sufis, and four successive generations of Kosovar martyrs for Islam, with all the main male line now dead." Her brother Nesemi, then 17, was killed in 1981 in Kosovo Albanian demonstrations.

She described to me the night of terror when Serbs "in black masks came to the door. I only saw three of them, but there were at least 15." Sheik Zejnelabedin and two others were taken into his meditation room and murdered in the presence of their sacred pictures and ritual objects. The bloodstains remained on the floor, under the carpets.

Sheikh Zejnelabedin's deputy, Sheikh Rama, was killed in a Serb massacre of unarmed people including women and children in the nearby village of Korenica on April 27, 1999; this incident also figures in the Milosevic indictment. When the Serbs had completed their assault, at least 129 people, and as many as 155, were dead. One survivor said every man in the village over 16 had been killed. Like the town's population, the victims were 90 percent Catholic, 10 percent Muslim. When the inhabitants returned to Korenica in June 1999, they found bones and hair protruding from mass graves, as well as dismembered corpses that lay where they had fallen. On the top floor of a burned house, limbs and other parts of men's bodies were strewn. Many bodies could not be identified.

The Serb assault on Korenica was a reprisal for a skirmish in which three local Albanians supposedly had taken part and seven Serbs had died. When survivors from Korenica came streaming into the Catholic church at nearby Gjakova, the priest, Father Ambroz Ukaj, went to the Serb army commander in Korenica and demanded to know what had happened.

He was interrogated as to how he knew anything had happened at all, and he replied that women in the village had reported the mass arrest of all males. Father Ukaj was warned that if he continued meddling, he too would be killed. Returning to his church, he warned the women who had fled Korenica not to take their wounded to the local hospital, where they would not be safe, but instead had them cared for in the church.

Facts like these require no elaboration. They speak for themselves. All that need be added is, in due course, the conviction of the man who engineered the Balkan catastrophe. ♦

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Sex Talk

The surgeon general's farcical "Call to Action"

By Andrew Ferguson

Official Washington is a city of the sly evasion, the artful misdirection—spin, we like to call it—but seldom of the outright misstatement. You don't often see a public official rise in his official capacity to make an official statement that is flatly, demonstrably, unmistakably contrary to the world as it is. It just isn't done, for heaven's sake.

David Satcher, the surgeon general of the United States, held a press conference at the end of last month to issue a new report. Issuing reports is what surgeon generals do. Since his appointment by President Clinton in 1998, Dr. Satcher has released reports on mental health (in favor of it), women and smoking (strongly against smoking, strongly in favor of women), children and oral health (in favor of both equally), and suicide prevention (pro-prevention, anti-suicide). The report issued last month was titled *The Surgeon General's Call to Action To Promote Sexual Health and Responsible Sexual Behavior*. Such a large, grandiose title invites sweeping claims to be made on its behalf, and after Satcher had surveyed his report's findings about the social problems associated with sex, from unwanted pregnancies to sexually transmitted diseases, he made perhaps his most sweeping claim of all:

"We have created an environment"—he meant *we* as in *us*, Americans in the United States—"where there's almost a conspiracy of silence when it comes to sexuality."

Now, it is difficult to imagine how a statement could be more untrue. Americans started talking about sex pretty much constantly about 40 years ago and have yet to pause to take a breath. I wonder how many reporters at Dr. Satcher's press conference wanted gently to take him by the arm and walk him to the nearest cineplex for a screening of any movie rated beyond PG-13, or sit him down for a night of watching reruns of *Friends* or *Will & Grace*, or hand him a "literary" novel by John Irving or a "trashy" novel by Jackie Collins or any women's magazine at all, or let him flip through an issue of *Maxim* or *Esquire*, or, for that matter, make him squirm with a couple of long passages from the Starr Report. If this is a conspiracy of silence, it is absolutely deafening.

What was Dr. Satcher thinking? Well, he is a highly skilled report-issuer. He knows the need for a hook. He knows that publicity—a puffer on the front page of the *New York Times*, a patty-cake interview with Katie or Matt on *Today*—follows a report that bravely challenges the status quo. A surgeon general can't just hold a press conference and say, "My fellow Americans, this day we are issuing a report—a report that boldly conforms to the conventional wisdom being voiced by nearly everybody—a report that dares to tackle a subject that is already constantly talked about—a report so courageously predictable in its implications that my publicist will be lucky to get a call-back from the producer at *The Early Show* with Bryant Gumbel." Since there's not much to challenge when it comes to sex nowadays, the surgeon general had to invent a "conspiracy of silence," for the purpose of fearlessly breaking it. It worked, too, by the way. Katie gave him four minutes—an eternity in *Today* time—right at the top of the hour, and for the next two weeks Dr. Satcher did nothing but talk about sex.

Because there's not much to challenge when it comes to sex nowadays, the surgeon general had to invent a "conspiracy of silence," for the purpose of fearlessly breaking it. It worked, too.

There is another step to the report-issuing process. If a government report pretends to upset the status quo, it must somehow generate what newspaper editorial writers call an "outcry." Outcries, as a technical matter, are ex post facto; they are said to arise after a report is issued, even if they don't. In this instance, since Dr. Satcher is a

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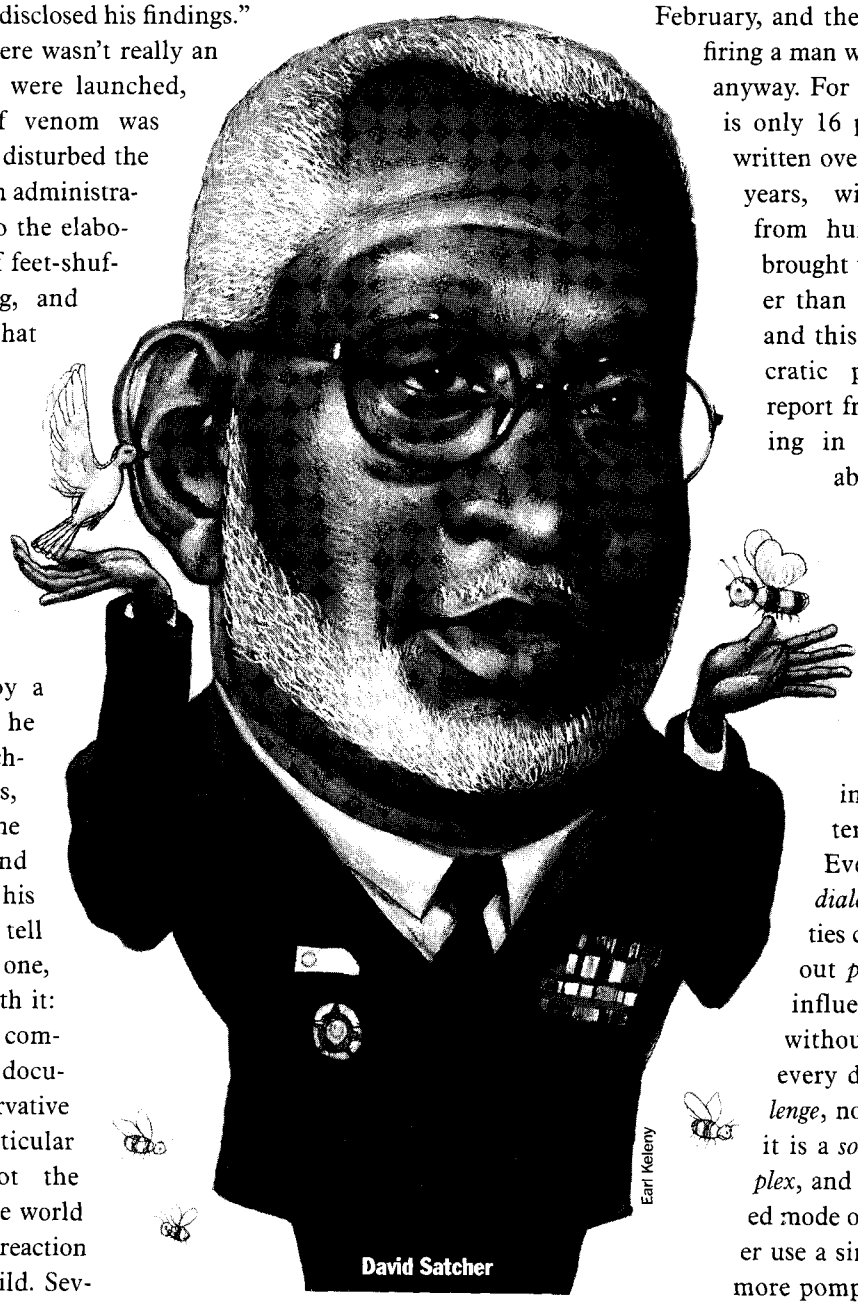
liberal and his report was a longish paraphrase of liberal conventional wisdom—promoting the wide distribution of condoms among teenagers, for example—the outcry had to come from the right. And what do you know! "How else to explain the outcry from conservative groups?" wondered the *Seattle Times*, a few days after the report was issued. "David Satcher is under attack," warned the *St. Louis Post-Dispatch*. "Conservative groups jumped on Satcher," said the *New York Daily News*. "The report has right-wing and family-values organizations in an uproar," said the *Baltimore Sun*. Most colorfully, if yuckily, a columnist in the *Seattle Post-Intelligencer* lamented "the profusion of venom that has been spewed since Satcher disclosed his findings."

Unfortunately, there wasn't really an outcry: Few attacks were launched, scarcely a loogy of venom was spewed, barely a blip disturbed the outrage-o-meter. Bush administration officials fell into the elaborate choreography of feet-shuffling, throat-clearing, and fingernail-staring that Republicans always resort to when an acquaintance does something liberal in public. The president's spokesman said, "The president understands that the report was issued by a surgeon general that he did not appoint." Satcher's proximate boss, Tommy Thompson, the secretary of health and human services, sent his spokesman out to tell everyone that he, for one, had nothing to do with it: The report "was a completely independent document." Among conservative groups with a particular interest in sex—not the largest category in the world of public policy—the reaction was also relatively mild. Several of them seemed to understand that they were supposed to demand Satcher's resignation, but they couldn't quite bring themselves to do it. A spokesman for Focus on the Family said the report "calls severely into question the surgeon general's ability to remain the chief medical officer of the United States." A spokesman for the Family Research Council said, "We wouldn't be disappointed were he asked to leave."


Earl Keleny

David Satcher

There are several reasons the report was a dud. For one thing, Satcher is a Clinton appointee whose term is up next February, and there's little point in firing a man who's about to leave anyway. For another, though it is only 16 pages long, it was written over the course of two years, with contributions from hundreds of people brought together in no fewer than three conferences, and this elaborate bureaucratic process kept the report from being interesting in the way reading about sex is usually interesting. The report is instead uninteresting in the way federal government reports are usually uninteresting. It is written in the prose characteristic of reformers. Every discussion is a *dialogue*, no two entities can cooperate without *partnering*, nothing influences anything without *impacting* it, every difficulty is a *challenge*, no idea arises unless it is a *solution* that is *complex*, and so on. This inflated mode of expression—never use a simple word when a more pompous one is within

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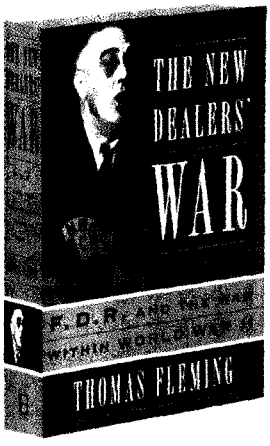

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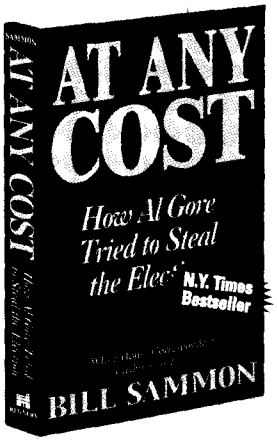

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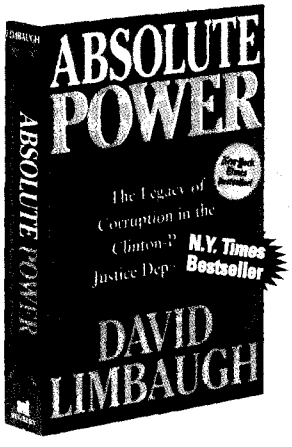

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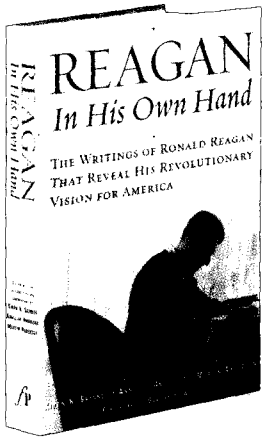

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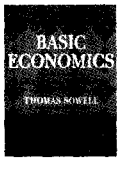

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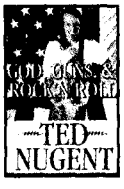

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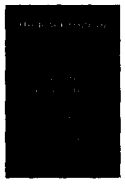

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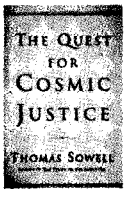

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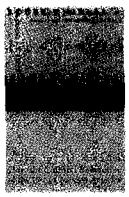

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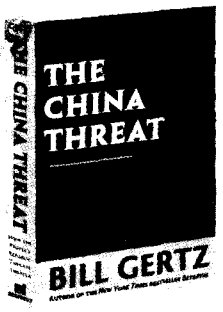

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reach—is meant to convey the impression of vast learning and hard-won expertise.

Strangely enough, even as we become famously candid in sexual matters, we continue to rely on euphemism to discuss them. Baby boomers have dispensed with pornography, for example; sleazy old men use porn, well-to-do boomers savor *erotica*, as they would a single malt Scotch. In the same way, the surgeon general's report almost never mentions sex. The word itself occurs four times. *A Call to Action* is a report about *sexuality*. The distinction is absolutely crucial. *Sexuality* is a much bigger word than *sex*, obviously—an imposing five syllables to a blunt one. According to the *Oxford English Dictionary*, it was first used in 1800 by the periphrastic poet and critic William Cowper, who was insane and was, in any case, referring to the reproduction of plants. Sexuality, in fact, was a word applied exclusively to plants and insects, never to humans, until very recent times. Earlier generations—so confused and unsophisticated about sex—tended to call it sex.

In our own era, however, the term sexuality has been appropriated by people who want very much to talk about sex without sounding as though they are talking about just sex. The multiple and nameless sexologists who actually wrote *A Call to Action* share this aspiration. Sexuality is sex-plus. Plus what, no one will say. The bigger word is not only more scientific-sounding but also vaguer, and so might be passed off as somehow more comprehensive. Since no one can be quite sure what sexuality means besides sex (which is already a pretty roomy word), its use has a liberating effect, especially on a fellow who thinks he is breaking a conspiracy of silence. You can say things about sexuality that, if said about sex, would seem silly. For example, when Dr. Satcher writes in his introduction that the report is—

> ... a call to begin a mature and thoughtful discussion about sexuality. We must understand that sexuality encompasses more than sexual behavior, that the many aspects of sexuality include not only the physical, but the mental and spiritual as well, and that sexuality is a core component of personality. Sexuality is a fundamental part of human life. Human sexuality also has significant meaning and value in each individual's life....

—you can tell he's waving those extra four syllables as though they were his Ph.D. dissertation. Without them—if he just said sex instead of sexuality—he wouldn't sound like a surgeon general. He would sound like an old fellow with a not-terribly-unusual preoccupation with sex. Laymen, ordinary people, talk about sex. Social reformers, scientists, government officials, learned and well-meaning people, on the other hand, dialogue about sexuality. Preferably in conferences and government reports.

Most importantly, the high-flown language enables the sexologists to recast sex as an issue fit for governmental intervention—and not merely fit for it, but crying out for it. Your sex life may not be a bureaucrat's business, but our sexuality is. The report opens with a brief nod toward the "pleasures and benefits" of sex but then quickly moves on to its horrors. Sexuality, as understood here, involves an almost endless series of pathologies: racial discrimination and child abuse and maldistribution of income; rape and disease and abortion and unkind remarks directed at homosexuals—all alike are entangled with sexuality. The statistics marshaled by the surgeon general range from the genuinely alarming (40,000 new HIV infections annually, 1.3 million abortions a year) to the implausible.

Sexuality, as understood here, involves an almost endless series of pathologies: racial discrimination and child abuse and economic inequality, rape and disease and abortion and unkind remarks directed at homosexuals.

He reports, for example, that "an estimated 22 percent of women [in the U.S.] have been victims of rape." This figure has been frequently repeated in press accounts since Dr. Satcher issued his *Call*, but in fact the study from which the claim is drawn is far more ambiguous than the surgeon general is letting on. In a random sample of 3,500 men and women between the ages of 18 and 59, taken ten years ago and published in a book called *Sex in America*, 22 percent of the women said they had been "forced to do something sexually by a man." In 96 percent of these cases the man was an acquaintance, a boyfriend, or a husband. Rape falls into this category, of course, but so does much else. Only 3 percent of men, incidentally, reported that they had ever forced a woman to "do something sexually."

Dr. Satcher and his authors need alarming statistics, both the real and the sensationalized, to justify their call to action. In an interesting coincidence, their view of sex closely resembles that of the conservative sexologists, "family advocates" at organizations like the already-mentioned Focus on the Family and the Family Research Council. Both sides share a vision of sex as a dark and

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deadly peril, a jungle teeming with mortal dangers. Spokesmen for the Family Research Council, for example, commended several aspects of Dr. Satcher's report, especially his emphasis on sexually transmitted diseases in general and, in particular, the Human Papillomavirus, which has been linked to cervical cancer.

HPV, as it's called, has become a great favorite of conservative sexologists in recent years. The reason has to do with the debate about sex education in the schools (or "sexuality education," as the report calls it; the word sex has been banished even in adjectival form). Though united in their view of sex's harrowing consequences, conservatives and liberal sexologists differ on how to instruct schoolchildren to avoid them. The conservatives, including President Bush, advocate federal funding for "abstinence-only" sex ed, which teaches that abstinence until marriage is the only certain way to escape the deadly hazards of sex; in abstinence-only sex ed, no mention is made of condoms, even as a second-best way to protect against disease and unwanted pregnancy. The liberal sexologists of the Satcher report, by contrast, point to the effectiveness of "comprehensive" sex ed, which gives a nod to abstinence but goes on, usually in graphic detail and quite often with bananas, to describe the uses of condoms and other forms of birth control.

Conservatives used to object to comprehensive sex ed on the grounds that it would induce children to have sex earlier than they might otherwise. They have been forced to retire this argu-

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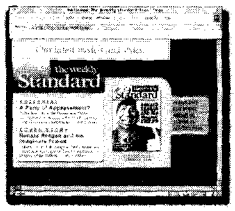

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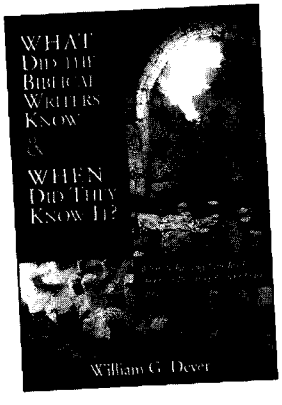

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ment, as study after study has failed to sustain it. A welter of research shows, in the words of the surgeon general's report, "that providing information about contraception does not increase adolescent sexual activity, either by hastening the onset of sexual intercourse, increasing the frequency of sexual intercourse, or increasing the number of sexual partners." HPV, however, along with some other sexually transmitted diseases that are resistant to condoms, has given new hope to the anti-condom camp. If, as both conservative and liberal sexologists agree, sex is a perilous jungle, then even youngsters who enter it festooned with condoms are defenseless against many of its dangers, like HPV. This, the conservatives say, bolsters their case for preaching abstinence alone.

At bottom the chief difference here is between two views of the good life, or, more precisely, the good sex life. For the conservative sexologists, the good sex life takes place exclusively within marriage; for the liberals it matters less where it takes place, as long as someone is wearing a condom. The surgeon general's report is infused with the liberal view. It mentions marriage, but only as one form of the "committed, enduring, and mutually monogamous relationships" that will help people escape the disasters of unbecondomed sex.

Both sides in the sex-ed wars are idealists equally, and equally realists. They differ only in the values they wish to convey through education—the ideal of marriage, or the ideal of safe sex.

Satcher and his allies claim theirs as the "realistic" view; they see themselves as pragmatists, undeluded by the idealistic conservative supposition that all young people, properly trained, will abstain from sex, and then marry. But the conservative sexologists don't suppose that all young people will do this; only that they should. Besides, Dr. Satcher and his allies have an idealistic supposition of their own. Surely he knows that not all young people will use condoms during sex; many, if not most, will even make a conscious decision not to, for reasons that seem compelling at the time. But he continues to insist that they be taught to use them just the same. Both sides in the sex-ed wars are idealists equally, and equally realists. They differ only in the values they wish to convey through education—the ideal of marriage, or the ideal of safe sex. Above all, they are united in the delusion that they can have a profound effect on the behavior of adolescents either way.

The final reason that *A Call to Action* failed to raise a genuine outcry is that it is, as a Family Research Council spokesman put it, "the last gasp of the Clinton era." By this I think she meant that it is mostly balloon juice. Whenever one of President Clinton's hundreds of panels issued a "call to action" and formulated an eight-step "action plan" and devised a "strategy for action," what it really meant, as a practical matter, was that everybody should just keep talking—in workshops, in conferences, in strategizing sessions and war rooms and break-out groups, in press releases and backgrounders and in neatly bound, mass-produced, unreadable reports. The near-total lack of efficacy was a great comfort. In the same way, the surgeon general's only practical consequence will be to advance the case for federal funding of "comprehensive" sex ed against the "abstinence only" variety. But the effect is likely to be mild, and it's unclear how conservatives, having conceded the larger point that the federal government should pay for teaching children about sex, will defeat liberals who want to do the same thing. Or even that they should.

For despite all the media coverage that Dr. Satcher was able to generate, amidst the counterfeit outcry and the bogus silence-breaking, the most remarkable aspect of the report went amazingly unremarked: the fact that it should have been written at all. Liberals and conservatives alike are united these days in their assumption that sex—for reasons of morality or of public health (which is the modern substitute for morality)—is a proper subject for governmental jawboning. We are all sexologists now, apparently. Whether the jawboning leads to free condoms from Uncle Sam or to stern lectures about marriage from the Nanny State is a question of subsidiary importance.

There is a third possibility. Rather than engage in a national dialogue about sex—"mature and thoughtful," as the report puts it, "adult with adult, adult with child"—we could all agree to shut up about it for awhile. Who knows what might happen? Instead of being the squalid transmission belt for abortion and disease, which is what it has become over the last 40 years, sex could return to the status it enjoyed for millennia—a private matter, a sacred bond between caring adults, and the steaming source of resentment, cruelty, envy, and recrimination that God intended. ♦

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Permanent Defense

Republicans and their discontents.

By David Brooks

We're a half year into the Bush presidency, and many conservatives are moderately morose, and many liberals are moderately happy. On the right, *Wall Street Journal* columnist Paul Gigot summed up the outlook earlier this month: "All of a sudden the political debate has taken a notable turn to the left. From trade to taxes to regulation to energy to spending, the policy momentum has shifted to those promoting larger and more intrusive government." Gigot quoted the Club for Growth's Stephen Moore, "Through the remainder of this year we could see more bad legislation passed than at any time since the first two years of Bill Clinton's administration."

Meanwhile, Democrats are feeling upbeat. In the *American Prospect*, liberal economist Robert Kuttner captured their mood. "The Democrats have had a pretty good month," he wrote. "President Bush has been unable to hold Republican legislators on an array of issues ranging from oil drilling to stem cell research."

Some of the gloom on the right has been induced by a stream of Bush administration retreats on relatively minor issues: military testing in Vieques, energy price caps for California, the Salvation Army's hiring practices, and so on. Some has been induced by major policy cave-ins: The Bush defense budget wins rave reviews from the editorialists at the *New York Times*, while some conservatives fume. But that's not the main thing. Conservatives are far from disenchanted with the Bush administration. For each of its gestures to the left, there's at least an equal gesture to the right. Most people feel the Bush team is making the best of a bad situation.

David Brooks, a senior editor at The Weekly Standard, *is the author of* Bobos in Paradise: The New Upper Class and How They Got There.

But why is the situation so bad? Why does the correlation of forces still seem to favor the moderate left? Why have Democrats been able to control the agenda since the Jeffords defection, pushing issues like the patients' bill of rights, prescription drugs, and campaign finance to the top of the agenda, with a minimum-wage hike and more slated later this fall? After the failure of the Gingrich revolution, many Republicans explained away their party's defensiveness by saying the real problem was that they didn't control the White House, with all its visibility and power. But now the Republicans have a popular conservative president in the White House, and still the GOP seems to be playing defense.

To see how decidedly the ground is tilted toward the soft left, look at what is happening to major Bush initiatives. They emerge from the White House crisp and clear, but on Capitol Hill they are muddied or eviscerated. On issue after issue, Bush and the Republicans are losing ground:

* The original Bush energy plan was a sophisticated balance of conservation measures, production incentives, and infrastructure improvements. But to sell it, the Bushies have gone into a defensive crouch, sounding like Barry Commoner on the wonders of conservation while minimizing the planks designed to increase supply.

* The Bush administration signaled that it was eager to pass a patients' bill of rights so long as it would not lead to out of control litigation. But the Democrats were able to roll their bill through the Senate over a Bush veto threat and seize the momentum in the House.

* Bush's faith-based initiative has been compromised to a sliver of its former self. The Republicans agreed to changes that seem to force groups to distance their religion from their counseling. As Barney Frank crowed to the *Washington Post*, "They did write it in very strong language that says you cannot use this money to do anything religious." Meanwhile what remains of Bush's plan to give non-itemizers tax breaks for charitable donations

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is a parody of a tax break. The deduction passed by the House would put in the pocket of a single non-itemizer at most about $3.75 a year.

* The Bush education plan has faced a similar barrage. For the past quarter century, conservatives have argued that the problem with public education is that it is a monopoly; parents need more choice. But the administration gave up its minuscule voucher provision without a fight, so school choice looks farther away than it did five years ago. The president did propose a reasonably strong testing program, to at least give parents a look at how their school is doing. But that provision has been liquefied in Congress (under pressure from both the National Education Association and Republican governors, opposed to federal meddling), so that the tests may produce little information helpful to parents and reformers. In the end, the Bush administration had to side with the weaker Senate testing plan against the stronger House plan merely to get a bill with a chance of passage.

On the administrative side, the Bushies picked up on a Democratic Leadership Council idea and proposed to consolidate 56 different federal education programs in 5 rationally organized ones. This went nowhere. In the House bill, according to *National Journal*, there are now 47 different programs, while the Senate bill creates a slew of new ones, for a total of 89 competing and overlapping initiatives. Moreover, the longer the measure stays on Capitol Hill, the more expensive it gets. In the Senate, the bill's cost has risen 50 percent, so that under a Republican administration, the Department of Education could see a massive infusion of cash without any radical restructuring.

There are two general theories about why Republicans find it so difficult to build any policy momentum. The first is that American voters remain fundamentally conservative, but Washington is the problem. According to conservatives of this school, inside-the-Beltway types distort the public will. The media are liberal. The bureaucrats want bigger budgets. Congressmen like pork. The activists raise a stink and block any measure that seems conservative.

In a pair of columns early in July, columnist Robert Novak summarized the argument. "Bush the younger is suffering from a collision between his agenda and the prevailing liberal culture of the Washington establishment," Novak wrote. "Any president who aggressively advocates tax reduction, reduced spending and less government is in for trouble." The real problem is that Republicans lack the guts to buck this establishment. In his next column, Novak summarized what had happened to the patients' bill of rights legislation in the Senate: "Sen. Tom Daschle dictated the pace of the health bill debate. Sen. Edward M. Kennedy, as floor manager, controlled its content. Feckless Republicans, fearful of Daschle's threat to their Fourth of July recess, did not slow the Democratic timetable, much less really alter the bill's content. Five senior GOP senators, including Minority Leader Trent Lott, did not even stick around for final passage."

There's obviously a lot of truth to this theory. Washington tilts in the direction of big government. But that can't be the main explanation. It can't be that Democrats are always brave and masterful and Republicans are always short-sighted and feckless. Moreover, the theory doesn't explain why Republicans are able to succeed on the issue that is most vital to the Washington establishment: tax cuts. Tax revenues are the spigot Washington depends on. Yet Bush was successful in pushing through a large tax cut bill, despite liberal howls.

There is a second possibility. Perhaps Washington isn't some alien force that distorts the popular will. Perhaps it reflects it. Maybe the sad truth is that right now the majority of the American people support soft Democratic ideas on most major domestic issues. This theory contradicts a central assumption of the conservative movement—that the elites may be against us, but the people are with us. Yet in 2001, the evidence is hard to deny.

Over the last several elections, the electorate has been split down the middle. As Michael Barone pointed out recently in *National Journal*, in 1996, Republicans won 48.9 percent of the votes in House races and Democrats won 48.5 percent. In 2000, Republicans won 49.2 of the votes for the House and Democrats won 47.9 percent.

But what is the crucial issue that divides the Democratic side of the country from the Republican side? Barone is quite definite: religion. Those who are actively religious, or who want to appear so, are largely Republican, while those who are not active churchgoers are largely Democrats. Barone paints two Americas, one traditionalist and observant, the other liberationist and relativistic.

It's not really clear how deep the divide is between these two cultures, but the electoral consequence is a dead heat in election after election.

But just because the country is evenly divided on cultural issues—and votes accordingly—does not mean it is

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Gary Locke

evenly divided on bread and butter issues, like education, health care, and so on. It could be that a lot of people who vote for Republicans because they are culturally conservative still want the government to spend more on education, health care, and Social Security. Republicans are happy to benefit from these people's votes, but when they get to Washington they find these same conservatives pressuring them to support big government programs.

Look at the polls. Republicans have a huge advantage on values issues. But if you ask voters what party does a better job of handling bread and butter issues, voters trust Democrats more. On education, Democrats have about an 8-point edge, on Social Security a 15-point edge, on energy an 8-point edge, on health care a 21-point edge, on the environment a 38-point edge, on Medicare a 24-point edge, on patients' rights a 29-point edge. These advantages are longstanding, as are the Republican leads on taxes and defense.

Conservatives have long countered that, while these sorts of questions suggest that the country is liberal, if you ask voters a different set of questions, you get GOP-friendlier results. If you ask people whether they want government to do more or less, the electorate is more evenly divided; and if you ask people whether they'd rather see fewer government services in exchange for lower taxes, they sound Republican.

The problem is that issues are never framed that way. Especially in an age of surpluses, the issue is always: What should we do about education? And the Democrats have an advantage.

Congress is full of people who see it as their job to monitor the desires of their constituents. Even when Republicans are in control, Congress supports increased government spending year after year. True, the first Gingrich budget did keep spending down, but then Republican approval ratings plummeted, and pretty soon GOP stalwarts were spending with abandon, hoping to win back their popularity by appropriating more money for, say, the Department of Education than the Clinton administration even asked for. By 2000, domestic spending was growing 10 percent a year. As a study by the Heritage Foundation's Ronald Utt, commissioned by the Project for Conservative Reform, shows, real-dollar non-

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defense spending, excluding net interest payments, has increased pretty steadily since 1985:

1985-1990	14.6 percent growth
1990-1995	12.9 percent growth
1995-2000	14.3 percent growth

This is a growth rate much lower than in the liberal heyday of the 1960s and 1970s, but it hardly suggests that we are living in a conservative era. And the White House budget's projected growth rate for 2000-2005—16.2 percent—is probably low. A *Wall Street Journal* editorial estimates that Congress is on its way to exceeding its budget caps with a 9 percent increase in the total federal budget. Since 1994, Utt notes, the budget of the Department of Housing and Urban Development alone has skyrocketed by 44 percent. Sometimes you get the impression that today's Republicans have ended up ratifying the Great Society programs exactly as the Eisenhower Republicans ratified the New Deal.

This is not only depressing in policy terms, it's depressing politically. It could be that the GOP is competitive only because of its strength on values and cultural issues. Look across the Atlantic. In Britain there is no real pro-life movement. There is no National Rifle Association. With values issues playing a much smaller role, the political debate is between a squishy center-left party that wants slightly bigger government and a conservative party that wants smaller government. And in that debate, the squishy bigger-government Blairites crush the Tories. It could be that in the United States, if you took away guns, abortion, and God, the Republicans would be in the same political mess.

So if Republicans are serious about reducing the size of government, or at least reforming government programs, they need to reformulate arguments that have failed to attract the public over the past few decades. They can't just rail against bloated government and out-of-touch bureaucrats. They have to dislodge the Democrats' positive approach to government with a positive approach of their own.

One of the most impressive things about George W. Bush's presidential campaign was that his team came up with a strategy to do precisely this. Early on, Bush made clear that he was not a Leave Us Alone Republican. Bush refused to run his campaign along orthodox lines: Republican parsimony versus Democratic generosity. Republicans saying "No" versus Democrats saying "Yes."

The essence of compassionate conservatism was that it aggressively tackled liberal issues, but with conservative approaches. The government might spend more money, but in ways that would allow people to make their own choices about their own lives, and thereby assume responsibility for their own destinies. Bush built on the successes of activist Republican mayors and governors, like Tommy Thompson, Rudy Giuliani, and John Engler. These Republicans showed they were just as interested as Democrats in solving domestic woes like poverty, drug addiction, and illiteracy. No longer would Republicans have to face the suspicion that they didn't care about the poor and underprivileged. No longer would voters automatically assume that Democrats were better equipped to deal with the "mommy" issues of education, health care, poverty, and housing.

In a compassionate conservative world, cultural conservatives would have merged with Giuliani moderates, Tommy Thompson blue-collar voters, Bret Schundler urban realists, and high-minded Olympia Snowe suburbanites to create a new Republican governing majority.

In other words, compassionate conservatism could have realigned American politics. It could have given Republicans an offensive playbook, in budget battles and on the whole range of domestic uses. In a compassionate conservative world, cultural conservatives would have merged with Giuliani moderates, Tommy Thompson blue-collar voters, Bret Schundler urban realists, and high-minded Olympia Snowe suburbanites to create a new Republican governing majority.

But so far, compassionate conservatism has turned out to be pretty thin gruel. That's because the Bush White House hasn't used it to reframe the debate and so realign the political landscape to benefit Republicans over the long term. Instead, compassionate conservatism has mostly been a social lubricant facilitating White House deals with the status quo.

If compassionate conservatism involves trusting peo-

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ple to make choices for themselves, then in education, it means fighting for vouchers. The White House didn't. In its rush to get a bipartisan bill, and to please Senator Kennedy, it pretty much accepted the education status quo, with a few more tests. Similarly, the faith-based initiative is now basically an extension of Bill Clinton's charitable choice initiative.

Bush never went to the American people—with, say, a prime-time address—to explain how his approach to domestic policy would be different. Instead, the administration signaled that its first priority was to get something—anything—called an education bill passed, and something—anything—called a faith-based initiative passed. That way the president could go back to the American people in 2004 waving two new laws and announcing that he had changed the tone in Washington.

Both pieces of legislation may end up being positive steps, but they are small, not transformational. Republican mayors have transformed urban policy. Republican governors have transformed welfare policy. But on the federal level, we see no similar transformation.

It could be that Bush will be able to revive conservatism, perhaps with Social Security privatization. If that passes and succeeds, it could launch a new round of welfare-state reform, giving more power to individuals to control their own benefits.

But if it doesn't succeed, or if the administration fails otherwise to transform politics, then we will remain in this unsatisfying age of parity and ill-tempered drift. Electorally, the two parties are dead even. Legislatively, the soft liberals have a structural advantage. Republicans may hold the White House, but thanks to congressional appropriators, government keeps growing in a mindless, ad hoc fashion.

Meanwhile, we're all sitting around waiting for a realignment. If the orthodox conservatives don't come up with some way of realigning politics in their direction, it is certain that liberal Democrats, or centrist Democrats, or some as yet unformed coalition of independents will. The nation's destiny will be in the hands of whatever faction spots the next decade's salient issue and launches that transforming crusade, the one that finally busts up the status quo. ♦

Michael Ramirez

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"Did you know Michael Bloomberg?" He asked me.

"Yes, a little," I replied. "I was a guest for dinner in his house. I found him disarmingly modest, a trait not usually in evidence from someone as prominent as he has become in so short a time."

"Be honest." My friend continued. "Tell me if you say that or anything else to curry favor for something or other if he's elected."

"For the record," I replied. "I'd tell Michael Bloomberg, in good conscience, I could not accept anything from him. That's what I'd do as much for my own peace of mind as for his."

"O.K., you've said it," my friend went on. "I've heard it. Let's see if you're as good as your word. Have you special thoughts about him?"

"I do," I answered. "Michael Bloomberg had better not become another Corzine, who actually bought Senator from New Jersey. Enough of that is too much."

"Explain."

"Just this," said I. "Rather than pour additional millions from his own pocket into his own campaign, he should seriously consider the following."

"What's that?"

"Michael Bloomberg should take his excess millions, targeted for his election, select worthy New York City charities and give them his wealth."

"Not a bad idea," my friend told me. "What else?"

"A lot, actually," I went on. "Now he can say he's put his money where his mouth is. That he wants to take care of New Yorkers as well as New York. That what he's doing may or may not win votes. If nothing else, the bottom line is the people know where he's coming from."

"Well, I'll be!" My friend gasped. "Is he smart enough? Does he care enough to do it?"

"We'll quickly see," was my response. "It's the reverse of Corzine. Doing it, puts his gear ahead in drive."

"I can hardly wait to see." My friend exclaimed. "And you know what? It goes right to the root of campaign finance and all the problems there. No secrets, no scandals only the truth."

"It surely does," I concluded. "Something else could happen too. New Yorkers will call him Mr. Mayor. But did it cross your mind America might one day call him, Mr. President."

"Well," my friend predicted, "it might even be the first stage of a rocket on its way to the White House."

"We'll see," is all I said.

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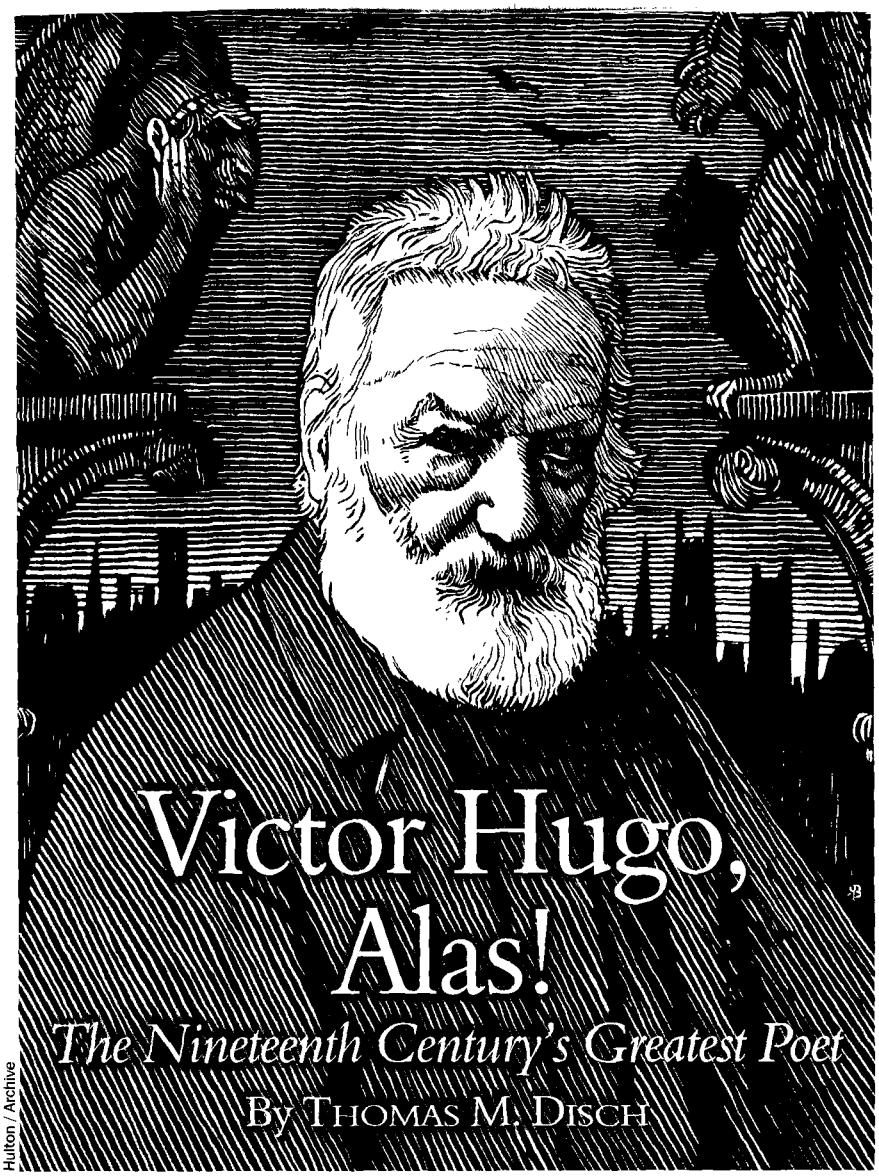

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Victor Hugo, Alas!

The Nineteenth Century's Greatest Poet

By Thomas M. Disch

Who was the greatest French poet of the nineteenth century? André Gide's immortal comment—"Victor Hugo, alas!"—is as true today as it was when Gide wrote it in a letter to Paul Valéry almost a century ago.

But English readers have had to take it on faith. Few French poets of equivalent magnitude have been so bereft of worthy translators. Molière has Richard Wilbur, and Baudelaire has Richard Howard. For Racine and Rimbaud, there are whole schools. Even lesser poets like Nerval, Verlaine, and La Fontaine are accessible to English-only readers in versions that convey some idea of why we are supposed to applaud. But with Hugo what has chiefly come across is his gall. Lines of verse that are familiar quotations *en française* seem sheer humbug in English: *Mes chants volent à Dieu, comme l'aigle au soleil*—which is to say, *My songs fly to God, like the eagle to the sun.* Do they, indeed?

But now E.H. and A.M. Blackmore have produced *Selected Poems of Victor Hugo*, a bilingual sampling from the lifetime output of a poet who was a teenager in the Napoleonic era and nearly outlasted Rimbaud. Hugo was twenty when his first collection of poems appeared, *Odes and Ballads* of 1822, and before his second, the Byronic *Orientalia* of 1829, he was a royal pensioner, and a famous playwright. He was even a tabloid superstar *avant la lettre*, thanks to his brother, who—having fallen in love with the bride—went mad at Victor's wedding. Who could ask for more?

Selected Poems of Victor Hugo: A Bilingual Edition
translated by E.H. and A.M. Blackmore
University of Chicago Press, 664 pp., $35

But more kept coming, to such a degree that Hugo's biographies are as fascinating, and almost as abundant, as the books he wrote himself. His life would be filled with scandals as egregiously melodramatic as the plots of his bestselling novels—*The Hunchback of Notre Dame*, *Les Misérables*—and the plays that would hold the musical stage to the present day: *Hernani* (made into the opera *Ernani*), *Le roi s'amuse* (made into *Rigoletto*), *Angelo, tyran de Padoue* (made into *La Gioconda*).

After that ill-fated wedding day, Charles Augustin Sainte-Beuve, the greatest critic of the era, called on Hugo—and promptly joined Hugo's brother by falling in love with Mme. Hugo. Sainte-Beuve would later be censured by Proust for his insistence that we can understand a writer only when we have learned all we can about his life. But few authors have been so helpful as Hugo in providing a life to learn about. While he was turning out his immortal potboilers, he was in a recurrent frenzy of volcanic eruption as a poet. He produced not only narrative, lyric, and vatic utterance as varied, and almost as abundant, as all the other poets of his century combined. He also gave us one of art's great self-portraits, *Les Contemplations*, an autobiography as self-absorbed and self-adoring as Goethe's, Rousseau's, and Raphael's rolled into one, and no less irresistible at the level of the Higher Gossip.

Among the highlights of Hugo's long life (born in 1802, he died in 1885) are his triumph at the premiere of his play, *Ernani*, where the *clacquers* in the balcony included Sainte-Beuve, eighteen-year-old Théophile Gautier in a satin vest and green silk trousers, Hector Berlioz, Gérard de Nerval, and pretty much *tout le monde*. It may be

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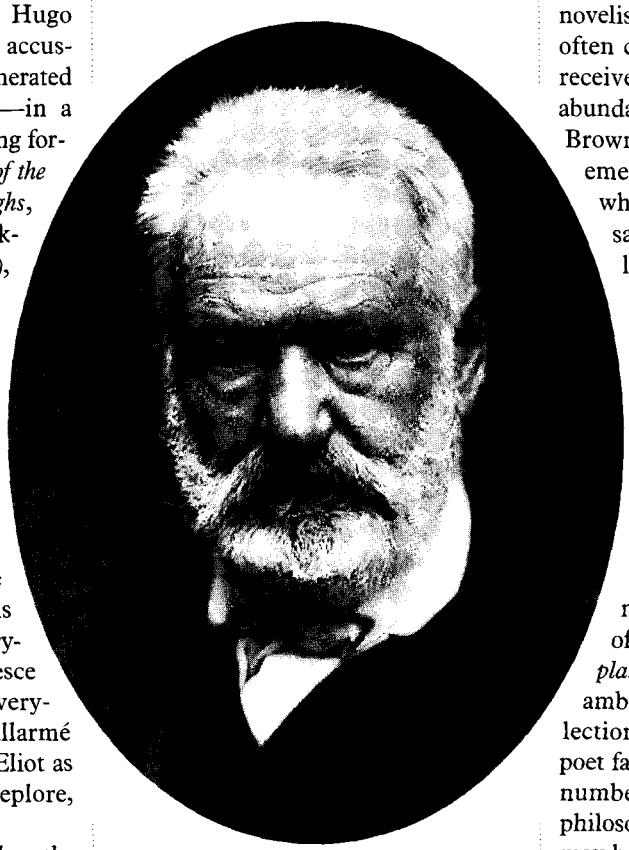
that Goethe made a bigger splash with *The Sorrows of Young Werther*, but short of provoking another mass suicide Hugo could scarcely have done better.

Like Goethe's, Hugo's love life would also become the stuff of schoolroom study. Most enviable was his affair with the actress Juliette Drouet, who starred in the plays he wrote for her, then quit the stage to become his amanuensis and to follow him to his exile in the Channel Islands when he had to flee the vengeance of Napoleon III in 1851. But for the next two decades, all the excitement Hugo would know (and he had been accustomed to cyclones) had to be generated by his own pen. And it was—in a steady stream of novels (including forgotten page-turners like *Toilers of the Sea* and *The Man Who Laughs*, either of which could be a blockbuster as big as *Les Misérables*), diatribes, tracts, and tirades that earned him a reputation as the "Jove of the Third Empire," a lonely, unstopping hurler of thunderbolts.

And all through the years of exile the flood of poetry increased—poems calculated to appeal to the same popular taste that could not get enough of his fiction and to outrage the embryonic aesthetic that would coalesce into modernism. Hugo was everything that Baudelaire and Mallarmé and Rimbaud, and Pound and Eliot as well, would crusade against, deplore, and, at last, studiously ignore.

Yet, unlike Longfellow and the other popular poets he resembles, Hugo had an Orphic voice that rocks and wild animals, he thought, had to obey. If he was France's Longfellow, he was also, and no less, its Whitman, singing the wonder of Himself—and its Swinburne, chiming like a carillon; its Tupper, laying down the moral law like a Sousa march; and its Rod McKuen, writing Valentine sentiments for village maidens to embroider on samplers. Anything anyone could do, he could do better. Page after page, decade after decade, the poetry is ravishing—and there is no end to it, nor to its shifts and surprises and new directions. Alas, indeed, for anyone who has taken modernist vows of poetic chastity; but for the rest of us, what a good time to be postmodern and wallow in what the Blackmores offer.

The place to begin in the Blackmores' translation may be the hundred-page stretch of poems drawn from *The Legend of the Ages* (*La Légende des siècles*), a sequence of historical evocations and vignettes that reads like a cross between Oswald Spengler's *The Decline of the West* and D.W. Griffith's



Intolerance, a summing up of World Civilization from biblical times ("Boaz Asleep"), through the Vedic and early Christian eras, and on to the early modern. Hugo varies his narrative strategies so deftly that one can read through the whole sequence without any sense of there being a Hugolian formula. Ballads alternate with trim little sermons. A verse panorama like "The Infanta's Rose," an account of the launching of the Armada, is intercut with an intense, dour study of a Velázquez infanta. The cumulative effect is like visiting the Louvre, an ark freighted with the treasure of the ages, one room after another. It is nothing less than godlike in its sweep and cool authority.

And that is precisely what Hugo was after. He called a later volume of narrative poems *God*, and the title was not without self-reference. Hugo considered himself an authority on the subject of the deity by virtue of his own awful and unfailing creative energies. We have come to be used to writers of great fecundity, but they are usually novelists. Prolixity in poets is rarer and often considered suspect. That is the received wisdom with regard to the abundant autumnal poesy of Tennyson, Browning, and Swinburne; there are emeritus poets among us today whose unceasing flow compels the same doubts. But Hugo is more like William Butler Yeats or Robert Penn Warren. He did not go bad as he went on; he just kept ripening.

The poems from Hugo's *Les Contemplations* of 1856 can entirely satisfy a contemporary taste in poetry that asks for epiphanies and intensely focused bursts of emotional truth-telling with just the nicest misting of irony, like the *sfumato* of Mona Lisa's smile. *Les Contemplations* is that favorite chimera of ambitious poets, a "structured" collection, which admits any poem the poet fancies while arranging them into numbered hierarchies, as though by philosophic design. The overall design may be thought of as a spiritual life of the poet like Wordsworth's *Prelude*, or as a long elegy like Tennyson's *In Memoriam*. Hugo is mourning the loss of his nineteen-year-old daughter Léopoldine in a boating accident in 1843. Léopoldine's death had the immediate effect of stopping the poet in his tracks for two and a half years, and the long-term effect of inspiring in Hugo a passion for spiritualism and séances. (His book on the subject, *Conversations with Eternity*, is available in English translation.)

Les Contemplations kicks off with a long Whitmanian "Song of Him-

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self"—turned into a poetic manifesto. Translated as "Reply to a Bill of Indictment," it has the bard in full afflatus proclaiming his youthful triumph over the deadly decorum of the alexandrine and a staid vocabulary that turns up its nose at the language of "the beggarly rabble": *chained in hulks / Of slang, fond of the lowest kind of company, / Torn to rags in the marketplace.*

The tirade goes on, and Hugo conflates his revolution in poetry with the French Revolution itself. The Blackmores print the French:

Et j'ai battu des mains, buveur du sang des phrases,
Quand j'ai vu, par la strophe écumante, et disant
Les choses dans un style énorme et rugissant,
L'Art poétique pris au collet dans la rue,
Et quand j'ai vu, parmi la foule qui se rue,
Pendre, par tous les mots que le bon goût proscrit,
La lettre aristocrate à la lanterne esprit.
Oui, je suis ce Danton! je suis ce Robespierre!

And across the page their English translation:

I, the well-known drinker of verbal blood,
Clapped my hands when I saw the Art of Poetry
Trapped in the streets by some huge roaring ode;
And when I saw among the seething crowd
Aristocratic Letters hung on lampost
Spirit, by every word void of good taste.
Yes, I am that Danton, that Robespierre!

Higher and higher the rhetoric soars—not in the Blackmores' highly irregular blank verse, but in a cascade of the gallumphing alexandrines that Hugo could write in his sleep: *Nous faisons basculer la balance hémistiche. . . . / Tous les mots à présent planent dans la clarté. / Les écrivains ont mis la langue en liberté.* (*We've toppled the seesaw of heroic verse. . . . / Today all words are soaring in the daylight; / Writers have given language liberty.*)

In their glorious excess and drunken-boat madness, such lines prefigure not just the rock 'n' roll effusions of Rimbaud but the rambunctious blossomings and rants of teenagers of all ages and eras. In their giddy indiscipline, they are not unlike Walther's Prize Song in *Die Meistersinger*, another youthful rhapsody written by an artist of late middle age.

Opposite page: Hulton / Archive. This page: Leonard de Selva / CORBIS.

A nineteenth-century caricature of Victor Hugo

Like an aged rock star, Hugo never thought of growing old. There is another poem, "Letter," early in *Les Contemplations*, in which Hugo stakes his claim to a perpetual springtime in a sublimer vein—an ideal Wordsworthian village childhood, the Platonic ideal of rustic youth that all poets should enjoy—from which he segues to a glimpse, beyond the rooftops of the village of "a winged ship" heading off to sea, as though to say, "Excelsior!" And after that eagle has flown off to God and great adventures, there is "Insomnia," a poem in which the poet cannot sleep because his muse is nagging him, dogging him, flogging him with new inspirations.

As a complaint, that has to be the definition of disingenuous, but as a snapshot from the life of a genius, it carries conviction. Much of the appeal of Hugo's oceanic swells of verse is the chance for mere mortals to share in the divine self-esteem of genius that never doubts itself—a thrill common enough in music or architecture but rare in literature. There is, besides Gide's snide one-liner, another great gibe at Hugo: Jean Cocteau's observation that Victor Hugo was a madman who believed he was Victor Hugo.

As with Hamlet or the Emperor Nero, this nimbus of divine madness has its comic side—which provides a further wonder of this *Wunderkind*: Hugo can be funny, a clown and court jester, the original of Quasimodo and Rigoletto. "Muhammed," a quatrain in *The Legend of the Ages*, sets forth the poet's theory of buffoonery:

Sacred Muhammed rode alternately
On Doldol and Yafur, his ass and mule,
Because a sage himself is apt to be
Stubborn the one day, and the next a fool.

The humor is often forced, as though it were a duty Hugo felt he had

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to perform for the sake of a well-rounded persona. But even if he is never Rabelaisian, he can still be droll, and charming in an avuncular way, most memorably in *The Art of Being a Grandfather*, which he published at age seventy-five, a chronicle of his experience as the babysitter and legal guardian of his two grandchildren. It is a portrait gallery of his beloved Jeanne and Georges, a zoo full of animals, and assorted kids who say the darnedest things. (One poem is entirely a collection of such eavesdroppings, perhaps the first "found poem.") Hugo shares Lewis Carroll's knack of entering the mindset of a child without forfeiting his elder wisdom. Other poets of childhood—Longfellow and Stevenson, for instance—seem fuddy-duddies by comparison.

Corbis

Left: Hugo in exile on the Channel Islands. Right: His funeral in Paris.

Then there is Victor Hugo the rabble-rouser, firebrand, and author of *Les Châtiments (The Empire in the Pillory)*, seven thousand lines of impassioned invective directed against the poet's arch-enemy, Napoleon III, as a result of which Hugo endured his two decades of exile in the Channel Islands. American readers, with an ocean and a century separating them from the events that inspired Hugo's wrath, will need a certain amount of footnoting to appreciate this, the Dantean side of the man's art. The Blackmores have supplied the necessary information in bare sufficiency, with a separate short preface for each of the nineteen books of poetry. (These prefaces are often embellished by another aspect of Hugo's art: He was a more than capable draftsman.)

Like so many of his English contemporaries Hugo was a closeted heterosexual and wouldn't write a word that might bring a blush to a maiden's cheek. Sex was the elephant in the living room whose existence no writer might mention except encrypted at one or two removes. Hugo's early erotic inventions have the campy allure of Delacroix's "Oriental" drawings, but with age he became ever less candid and more Tennysonian.

This lack of a fleshy presence in Hugo is what D.H. Lawrence complained of in the poetry of Shelley—that the man was all butterfly and ectoplasmic spirit. This may be the touchstone difference between the tastes of the nineteenth and twentieth centuries, and also the reason Hugo remains a hard sell, populist and pot-boiling though he is. Yet, the Hugo that the Blackmores' translation reveals is an altogether meatier and juicier writer than the Hugo known to most of us through the movie versions of his novels, which get more cornball with each remake.

Hugo's fiction does deserve better than Disney, but it is not significantly weightier or livelier than Alexandre Dumas's or Eugène Sue's—which puts it a long way behind Honoré de Balzac's. That's not to say that one shouldn't bother. Just don't expect a lot of points in the Heaven of Extra Credit Reading. As to Hugo's dramas, I have seen only one on stage (other than at the opera), *Mary Tudor*, and it would have been creaky and ponderous even with Sarah Bernhardt in the title role.

Which leaves the poetry, if Hugo is to have a good seat at the Last Judgment. The Blackmores' translation is much better than the few earlier versions in English (chiefly Harry Guest's from 1981, the best of a bad lot). Without trying slavishly to render each verse-form in French into the same form in English, they do not simply throw up their arms in despair and settle, as Guest does, for flat, loosely iambic lines with hit-or-miss rhymes. When Hugo gets off a zinger, they find its equivalent. When he soars into the ineffable, they achieve a similar flight. (For those with a bit of French still left from school, Hugo's poems offer an added dividend: Their agreeable simplicity makes them an ideal vehicle for bringing one's French up to speed.)

To acknowledge the greatness of Victor Hugo in poetry seems the equivalent of claiming that *Beaux Arts* painters like Meissonier or Bouguereau were actually the supreme masters of their time. What about Impressionism? What about Modernism? Nonetheless, in French poetry, it is undeniable: Victor Hugo was the great poet of the nineteenth century—which is why poor André Gide was forced to add, *Hélas!* For us today, freer than Gide and the modernists, Hugo's example can only be liberating. ♦

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The Crimes of War . . .

and how they should and should not be judged.

BY AMIT AGARWAL

Over dinner at the Tehran Conference in 1943, Stalin coolly informed FDR and Churchill of a startling part of his plan for punishing Nazi aggression and deterring future German belligerence, once the war was won: "At least 50,000 and perhaps 100,000 of the German Commanding Staff must be physically liquidated." Churchill, never accused of harboring excessive sympathy for the Nazis, indignantly recoiled from this plan for "the cold-blooded execution of soldiers who had fought for their country." When Stalin insisted that "fifty thousand must be shot," Churchill fired back: "I would rather be taken out into the garden here and now and be shot myself than sully my own and my country's honor by such infamy."

This exchange, recounted in Gary Bass's *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*, underscores one of the central lessons of this important and engrossing book: Although the practice of international politics is predicated largely on the realities of power, domestic political norms inevitably influence the judgments of policymakers. Bass argues that liberal states, governed by the rule of law and dedicated to the protection of individual rights, share an inherent tendency towards legalism—in this context, the belief that war criminals should be put on trial. While the legalistic approach to war crimes presents abundant problems, it also has a singular virtue: In the aftermath of large-scale atrocities, war crimes trials provide civilized states with a principled and constructive alternative to the twin barbarisms of amnesia and vengeance.

After several years working as a journalist in Washington, D.C., Amit Agarwal begins law school this fall.

Stay the Hand of Vengeance
The Politics of War Crimes Tribunals
by Gary Jonathan Bass
Princeton University Press, 368 pp., $29.95

Stay the Hand of Vengeance focuses on the formidable political obstacles to prosecuting war criminals. Bass, an assistant professor of politics and international affairs at Princeton, examines five episodes in the history of international justice: the diplomacy surrounding the fate of the Bonapartists at the end of the Napoleonic wars, failed efforts to punish German war crimes after the First World War, the abortive prosecutions of Turkish officials implicated in the Armenian genocide of 1915, the trials at Nuremberg after World War II, and the establishment of the International Criminal Tribunal for the Former Yugoslavia at the Hague in 1995, which the author covered as a correspondent for the *Economist*.

Bass does a particularly good job of demonstrating the contingent nature of history. In his chapter on Nuremberg, for example, we learn that the decision to subject Nazi leaders to bona fide trials was far from inevitable. Indeed, the Allies—less than a year before the end of the war—had formally committed themselves to a policy of summary execution for all the top German officials upon capture. According to the Morgenthau Plan, initialed by Roosevelt and Churchill in September 1944, the "arch criminals" were to be put to death by firing squad as soon as they were apprehended and identified.

But a fortuitous convergence of circumstances led this plan to be abandoned. Although polls indicated strong popular support for summarily executing top Nazi leaders, there was considerable public opposition to an unrelated provision of the Morgenthau Plan, calling for the pastoralization of Germany. When that provision was leaked to the press, the Morgenthau Plan collapsed, allowing the proponents of trials to seize the initiative and modify Allied plans for punishing Nazi leaders.

The most determined and articulate advocate of legalism in the American government was Henry Stimson, Roosevelt's secretary of war. In a memorandum to the president, Stimson argued that Allied governments should adhere to a well-defined procedure for dealing with Axis war criminals. "Such procedure," he wrote, "must embody, in my judgment, at least the rudimentary aspects of the Bill of Rights, namely, notification to the accused of the charge, the right to be heard and, within reasonable limits, to call witnesses in his defense." It might not be practical to apply the full range of domestic legal principles to such trials, Stimson acknowledged, but "the very punishment of these men in a dignified manner consistent with the advance of civilization, will have all the greater effect upon posterity."

Stimson's memorandum outlined the essential parameters of the scheme that would become Nuremberg. In proposing to grant accused war criminals the core safeguards of the Bill of Rights, Stimson was not revealing a latent sympathy for Axis leaders; instead, he was affirming his fidelity to the principles of the U.S. Constitution and indicating his belief that we define ourselves in part by how we treat our enemies. Like Churchill's solicitude for his own and his country's honor, Stimson's commitment to due process was incomprehensible to Soviet leaders, whose desire for vengeance, Bass notes, was "utterly unhindered by liberal legalistic norms."

Bass's scholarship will challenge widely divergent views about war crimes tribunals. Even the most enthu-

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Stalin, Roosevelt, and Churchill at the Tehran Conference, December 1943.

siastic legalists, for example, will take away from this book a modicum of sympathy for the argument that national governments must sometimes subordinate the pursuit of justice to wider political considerations. Chief among these is the concern that arrests and prosecutions may generate a nationalist backlash in the countries whose officials and soldiers are being put on trial. Since fragile peace agreements are easily undermined by resurgent nationalism, statesmen will sometimes be confronted with an uncomfortable choice: to let war criminals go free for the sake of peace and reconciliation, or to pursue justice at the possible expense of exacerbating political antagonisms and perpetuating armed conflict.

Any who doubt the potentially destabilizing consequences of war crimes prosecutions might consult Bass's treatment of Allied policy towards Germany in the aftermath of the First World War. The Allied governments accused Germany of a wide range of offenses, including unrestricted submarine warfare, brutal treatment of prisoners, invasion of neutral Belgium, and instigation of the war itself. Britain and France, whose losses during the Great War far outstripped those of the United States, were especially eager to prosecute the German kaiser, Wilhelm II, for the novel crime of aggressive warfare. When David Lloyd George was informed that waging war was "the prerogative of the right of all nations from the beginning," and that prosecuting the kaiser would thus be akin to trying Alexander the Great or even Moses, the impassioned prime minister retorted, "I am not sure that they also ought not to be brought to justice!"

As it turned out, the idealism underpinning this crusade for justice collapsed ignominiously in the face of political realities. William II fled to Holland at the end of the war, and the Dutch government rejected repeated Allied demands for his extradition. Meanwhile, Germany—defeated but not occupied—declined to deliver German officials to an international tribunal. Unwilling to resort to force, the Allied governments reluctantly agreed to a scheme whereby certain German soldiers and officials accused of war crimes were tried by a German court in Leipzig. But the court proved predictably inhospitable to British and French notions of justice and either acquitted suspects or imposed light sentences on the grounds that the accused were merely following orders.

Both the failure to bring German war criminals to justice and the trials themselves adversely affected the political stability of postwar Germany. As Bass writes, "In the chaos of Weimar Republic politics, Göring first encountered Hitler at a rightist rally against French demands for the trial of German war criminals." The Leipzig debacle reminds us of the pitfalls of legalism. This is especially useful in that, as Bass notes, present-day scenarios for punishing war criminals resemble Leipzig more than Nuremberg in certain respects.

On the other hand, even self-styled realists may be dismayed to learn that liberal states have often sacrificed the pursuit of justice to parochial interests. When nationalist Turks took twenty-nine Britons hostage in the aftermath of the First World War, for example, the British government, fearful for the lives of the hostages, released from custody all Turkish officials accused of war crimes. From the government's perspective, the lives of a few dozen British citizens were more important than Britain's wartime promise to prosecute the architects and agents of the Armenian genocide. As a member of the British Foreign Office breezily admitted, "It is in a measure yielding to blackmail but seems justified by present circumstances."

Bass argues that the reluctance of national governments to endanger the lives of their soldiers for the sake of international justice is the single greatest obstacle to prosecuting war criminals. Since even liberal states are effectively held hostage to relatively narrow political interests, some proponents of international justice vest high hopes in the creation of a permanent international criminal court for punishing war crimes and crimes against humanity. Although a plan to establish such a court was approved by a U.N. conference in Rome—over the objections of the United States—in July 1998, Bass has little to say on the subject of a permanent international court, which presents its own dangers.

Bass borrows the title of his book from an opening statement at Nuremberg, presented by the American Justice Robert Jackson: "That four great nations, flushed with victory and stung with injury, stay the hand of vengeance and voluntarily submit their captive enemies to the judgment of the law is one of the most significant tributes that Power has ever paid to Reason."

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Bass is an ardent legalist, and, given the successful outcome of the Nuremberg trials, it is understandable that legalists should point to that tribunal as an example of international justice done right, and therefore as a precedent for future prosecutions. Yet one of the central insights of Bass's book is that Nuremberg was successful largely because the circumstances were not ordinary: The Allies did not confront the usual political obstacles to prosecuting war criminals. Their occupation of Germany made it relatively easy to apprehend Nazi officials.

Unfortunately, this analysis suggests that the Nuremberg precedent is of diminished relevance to the contemporary scene, characterized as it is by limited war in pursuit of objectives markedly more modest than unconditional surrender. Under circumstances like those of the Persian Gulf War or the war in Kosovo, it is exceedingly difficult to arrest indicted war criminals; and indictments by themselves are likely only to further radicalize the embittered populations. It may be sobering to learn that mankind's most successful experiment in international justice was made possible by a historical anomaly. But however disheartening the record, clear thinking about political realities is the indispensable foundation of any sound program of international justice. ♦

The Pseudo-Grownup

Anne Tyler's wistful nonsense.

BY JAMES BOWMAN

There is a certain kind of young man's novel—George Orwell's *Keep the Aspidistra Flying* comes to mind—that simply can't get over the fact that men settle down, marry, have children, and get steady jobs to support them. Orwell seems to find such behavior outlandish, at once horrifying and admirable, instead of what most men have always done.

Knopf

Back When We Were Grownups
by Anne Tyler
Knopf, 256 pp., $25

In several recent books, Anne Tyler has written a sort of middle-aged female equivalent of this kind of novel. Her latest, *Back When We Were Grownups*, following *Ladder of Years* and *Breathing Lessons*, takes as its subject women in their fifties who have devoted their lives to what used to be called "homemaking" and who suddenly begin to wonder, once they have a moment to think, whether it has been worth it—or whether they haven't frittered away their potential in the years of cooking and cleaning and carpooling.

The answer, in all three novels, seems to be a qualified "yes." It has been worth it. But it's really the moment of quasi-feminist doubt that interests Anne Tyler. She is not quite unaware that she is skirting a great banality, but she cannot resist it. Her latest winsome heroine is a fifty-three-year-old widow, Rebecca Davitch, who is described on the first page of *Back When We Were Grownups* as "a woman who discovered she had turned into the wrong person." Like the hero of Orwell's novel, Rebecca finally comes to accept her destiny as the person who, in fact, she has turned into, and the reader is left to wonder quite why this counter-discovery is worth the 256 pages it takes to record.

The novel offers us a hint of more serious purposes by making Rebecca's life a kind of mistake. Her late husband, Joe, spotted her in a moment of laughter at a party—and proceeded to court her on the assumption that she would bring a bit of joy into his life. Joe didn't realize that Rebecca had, in fact, been desperately bored at the party. Her tendency to introspection and melancholy is as strong as his own, but she takes it as a challenge to live up to his idea of her—even though that means leaving her long-term boyfriend, dropping out of college, taking on three small stepdaughters whose mother had walked out on them, and helping out with the family business.

That family business is the hosting and catering of parties. Joe and Rebecca rent out their old Baltimore townhouse, which, with Tylerian tweeness, they call The Open Arms. This providing of space for other people's celebrations is meant to be analogous to their inclusiveness, their ability to assimilate new members, the latest of whom is Peter, the twelve-year-old stepson of one of Rebecca's stepdaughters, who quickly forms an attachment to his new step-grandmother. This boy, who has no other purpose in the novel than to be pathetic and lovable, reminds us that moral showiness is Anne Tyler's besetting sin. With each new novel we meet yet another gaggle of lovable Baltimoreans, scratching their improbable livings from doing picturesque and charming things in decaying neighborhoods of the city.

But Joe is killed in a car accident after six years of marriage, which left Rebecca to live *his* life and look after the children he has given her (including another daughter of their own). Tyler remains skeptical about the doctrines of personal self-fulfillment according to which so many of us live our lives. "There is no true life," says

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Joe's uncle, the centenarian Poppy, with whom Rebecca has also been saddled. "Your true life is the one you end up with." But Tyler means us to have sympathy and affection for the would-be self-fulfillers of middle age, even though we know (or perhaps *because* we know) that their yearnings are all a sentimental fantasy.

So, at any rate, it proves in Rebecca's case. Unlike Delia in *Ladder of Years*, she never has to leave home for her daydream, which is of the son she never had. She thinks of him as being called Tristram and having the features of her college boyfriend, Will Allenby. Were this child and this husband the appendages of the right person, the one she should have become? She goes in search of Will to see if any sparks can still be struck from the embers of their relationship. A professor of physics and head of the department at Macadam College, near Baltimore, Will is divorced from his much younger wife, Laura, a former student, who left him along with their daughter, Beatrice. Now both the ex-wife and the daughter, a sullen, ill-mannered thing with dyed hair and piercings, hate him, and Will, apparently without other friends or family, confides in Rebecca that he has "hit rock bottom."

But Will alone proves unworthy of his creator's compassion. He is Tyler's Lucifer, cast for all eternity into the outer darkness after he passes a mildly censorious but rather incomprehensible moral judgment on another character. Of course we get the idea. In order to recognize that she is who she is, Rebecca has to reject Will, willfully, all over again—even though the real self that Rebecca finally accepts is defined by her capacity for inclusion.

Excluding Will from the grace of the author amounts to excluding moral rigor. Tyler's gentle reproof to Rebecca's fantasizing is as far as she goes in the direction of moral censure. And even that comes with the stipulation that the lost Rebecca was her "girlhood self," mature, sensible, and responsible, while the found Rebecca is her middle-aged self, more childish and hence more desirable. (Thus the book's title, *Back When We Were Grownups*.)

But the reader feels cheated. Will is too prominent a character to be disposed of in this way. We have gotten to know him too well, and even to feel sympathy for his inability to form human attachments. It is a crude parody of this psychic incapacity to make it indistinguishable from the habit of moral censoriousness—if all Will had to do was "lighten up," as the instinctively anarchic pop culture puts it, to have rafts of friends, a wife who wouldn't leave him, and a daughter who wouldn't hate him. As a fantasy of middle age, this is much less forgivable than Rebecca's. ◆

The Apes of Wrath

Hollywood monkeys with a science-fiction classic.

BY CHRISTIAN LOWE

If you've seen the previews or read the Hollywood hype, then you know that this summer's latest blockbuster, *Planet of the Apes*, is a movie that asks its viewers deep, deep questions. Across America, we've been warned for months that director Tim Burton—famous for his lushly dark versions of *Batman* and *Sleepy Hollow*—had taken a semi-schlock film from 1968 and remade it into a powerful allegory of man's inhumanity to man and bestiality to beast.

There's just one problem: It isn't true. The 1968 *Planet of the Apes* was a fairly silly science-fiction outing from before Stanley Kubrick's *2001: A Space Odyssey* redefined the genre, and its production values have not stood the test of time. (You haven't lived till you've seen Roddy McDowell shuffling along in his monkey suit in one of the lead roles.)

And yet, that original film, co-written by the *Twilight Zone*'s Rod Serling and starring Charlton Heston, actually did try to raise some deep questions about humanity and inhumanity by telling the story of an Earthling stranded on a world ruled by apes. What it lacked in modern computer graphics, it made up for by being a tight little allegory about the Cold War, racism, and the future of mankind. Tim Burton's new version has all the modern over-production anyone could want—but, curiously, what gets lost is the allegory. This *Planet of the Apes* is just a story about a man among some apes.

On the whole, that may not be a bad thing, given what passes in Hollywood these days as an idea worth allegorizing. The new version does have its cringy moments. While helping the stranded hero, Leo Davidson (played by Mark Wahlberg), escape Ape City, two "socially conscious" apes smash his gun against a rock before he has the chance to shoot the armed gorillas pursuing them. "Don't stoop to their level," Ari, the daughter of an influential ape senator, tells Leo. (What, better to be six feet under?) But there are some balancing moments, too. After being nearly killed by a band of warriors seeking the marooned astronaut, Limbo, an ape who peddles human slaves, cries, "Can't we all just get along?"

In Burton's version, the year is 2029. Space station Oberon is zapped by an electromagnetic storm, and Captain Leo Davidson is instructed to dispatch a genetically engineered chimpanzee in a reconnaissance pod to survey the storm. The pod, its chimp commander at the controls, is swallowed up by the storm, never to be heard from again.

"Never send a monkey to do a man's work," Davidson says and straps himself into another pod. Batted around like a pinball, Davidson's ship comes out of the storm to crash land on a jungle planet. Emerging from his disabled

Christian Lowe covers aviation for Defense Week.

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Left: Everett Collection. Right: Fox.

Left: Charlton Heston is monkey-handled in the original Planet of the Apes. *Right: Mark Wahlberg apes him in this summer's remake.*

ship, Davidson is immediately caught up in a crowd of rag-clad humans fleeing ape hunters. Captured and sent in a horse-driven slave cart to Ape City, the confused Davidson is purchased by Ari—a young female known throughout Ape City as a staunch fighter for equal rights for humans. This raises the ire of the militaristic apes, particularly Thade, the chief of the great Ape Army, who is suspicious of Davidson and eventually discovers that he is from another planet.

While Davidson is working as a kitchen servant in Ari's house, the film makes a gesture toward allegory—and it proves typical Hollywood pabulum. At a dinner party hosted by Ari's father, a debate ensues about how to handle the human race. "We can't just keep throwing money at the problem," one of them says. The soldiers want to kill all the humans, the politicians want to keep them as slaves, and Ari wants them to have equal rights. We're supposed to be like Ari, sharing her concerns for equality, environmentalism, justice, and animal rights. Fortunately the rest of the film distracts the viewer with action scenes of human-ape battles and Davidson's escape.

Perhaps the biggest difference between the original *Planet of the Apes* and the remake—and something that may account for the slow pace of the earlier film—is that the humans couldn't talk back in 1968. The marooned astronaut, Charlton Heston as Colonel Taylor, spent most of the movie trying to figure out what was going on because he could not communicate with his human compatriots. In the 2001 version, Davidson gets the low-down right off the bat, moving the story straight to his escape and his rousing of his fellow humans to fight back.

What's lost in the action is the surprising intelligence of the 1968 version. Rod Serling was known for using his 1960s television series, *The Twilight Zone*, to raise interesting science-fictiony questions about ethics, technology, politics, metaphysics, and the meaning of it all. You can see what he brought to the film—based on a tale written by Pierre Boulle, who also wrote *The Bridge on the River Kwai*—by comparing it with the sequels that followed: *Beneath the Planet of the Apes* (1970), *Escape from the Planet of the Apes* (1971), *Conquest of the Planet of the Apes* (1972), and *Battle for the Planet of the Apes* (1973), all of which lacked Serling's touch.

There is, for instance, the Cold War allegory that Serling hammers home at the end of the original *Planet of the Apes*. Taylor is riding down the beach after escaping from Ape City—still not sure what planet he's on—and suddenly happens upon the Statue of Liberty, half buried in the sand. Realizing he's actually been on a future Earth all along and that the human race had nuked itself out of existence, only to be replaced by the apes, Taylor shouts: "You did it! You bastards. You finally did it! Damn you! Damn you all to Hell!" Burton's new version includes a cameo appearance by Charlton Heston (this time as the ape father of the villain Thade), who warns Thade about the dangers of the humans from space by saying, "Damn them! Damn them all to Hell!" But it has lost its punch, mainly because it is merely a *gesture* toward the earlier film. Shorn of the original film's slow-paced intelligence, the line is just reference—reference without meaning.

Still, taken purely as an action thriller, the new *Planet of the Apes* does its job. Burton constructs an ape civilization that is just primitive enough and just advanced enough to make its political structure and culture believable. The audience will cheer when Davidson eventually faces Thade in battle and the more sensitive ape warriors turn on their leader, embracing the principles of equality between the species. The story's twists and turns will keep everyone guessing and entertained. And just like the original, there's a major surprise waiting when Davidson at last lands back on Earth. If the cost of all this is the loss of meaningful cinematic allegory, well, be grateful: The kind of big ideas that Hollywood has these days about man and beast usually aren't worth putting in movies. ♦

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The Clinton Chronicles (cont.)

Marina Garnier / Globe Photos, Inc.

A fatigued-looking Bill Clinton (left) sporting a Nehru jacket at a June 12 fund-raiser for the American India Foundation in New York. The event featured models from the ID agency (above).

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Privatization: A Solution for School Inequities?

John E. Chubb is chief education officer, Edison Schools; distinguished visiting fellow, Hoover Institution; and member, Hoover's Koret Task Force on K–12 Education.

Economically disadvantaged students suffer a number of financial inequities in public education. The school districts in which poor children live often have fewer tax dollars to spend on education than do districts in which middle-class children live. Poorer districts also tend to pay lower teacher salaries than richer districts and have difficulty attracting and retaining teachers. These inequities have recently been challenged in the courts, and states are finding ways to mitigate some of these imbalances.

But other inequities continue. One is the tendency for disadvantaged students to be served by the largest and most bureaucratized school systems. School systems serving more than 100,000 students have disproportionate numbers of poor and minority students. These same systems are plagued by the inefficiencies of public bureaucracy, meaning not only that disadvantaged students have less spent on their education than their more advantaged neighbors but that the money tends to be spent less efficiently.

Another inequity occurs *within* school systems. **The least experienced teachers tend to teach in the schools with the highest concentrations of disadvantaged students.** Most public school systems honor seniority when deciding which teachers to hire. Teachers prefer to teach in schools where student behavior is good, student turnover is low, and parental involvement is high. Thus, problem schools tend to have the most teaching vacancies, which are filled by inexperienced teachers. Because new teachers are paid less than veteran teachers, inequities in staffing bring inequities in funding: schools with disadvantaged students receive less of every district dollar than schools with advantaged students because teachers in schools serving poor kids cost less.

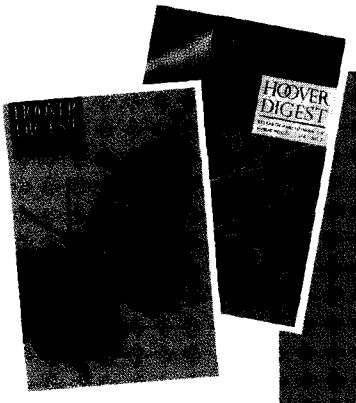
Privatization could go a long way toward correcting these inequities. First, if private school management firms contract with the largest and most bureaucratized school systems, disadvantaged students will benefit disproportionately from more efficient uses of their education dollars. Second, if private management firms work in the poorest areas and are paid for their services what the *district* spends per pupil, privatization will increase the funding available to disadvantaged students.

Evidence suggests that private firms are working as equalizers. Most of the private management firms now operating public schools have focused on charter schools, which in general serve disproportionately poor and minority populations in urban areas and by law receive per pupil funding equal to local district averages.

As for traditional public schools, only Edison Schools, among private firms, is doing substantial contracting with school districts. But this is changing. Fourteen firms submitted proposals to New York City in August 2000 to manage the lowest performing schools in the school system. Several companies have responded to requests for proposals from Kansas City, Missouri, to the state of Maryland for school management of large school systems and highly disadvantaged schools and students. Edison's 110 schools, for example, include contracts with Dallas, San Francisco, Minneapolis, Miami, and Wichita. The students in Edison schools are disproportionately needy: 65 percent are eligible for reduced price lunches; 55 percent are African American, and 17 percent are Hispanic or Latino. If Edison's experience is an indicator, privatization could be an important equalizer in public education.

— *John E. Chubb*

Paid for by the Hoover institution, Stanford University.



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Although both the House and the Senate have voted in separate bills to release the second Helms-Biden installment of $582 million, the payment is stalled. Congress must end this legislative stalemate now. Otherwise, at the opening of the UN General Assembly on September 11, the U.S. will once again be the UN's largest debtor.

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